



**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS FEBRUARY 25, 2014 1:30 P.M.**

CONSENT AGENDA

- * Approval of minutes – February 18, 2014
- * Confirmation of committee appointments

Molly J. Dahm, PhD would be reappointed to the Convention and Tourism Advisory Board. The current term would expire October 23, 2014 . (Councilmember Audwin M. Samuel)

- A) Approve a resolution approving the award of a contract for Workers Compensation Claims Administration to Abercrombie, Simmons and Gillette (AS&G) of Houston
- B) Approve a resolution approving the award of a contract for property insurance broker to Higginbotham dba Talon Insurance Agency of Nederland
- C) Approve a resolution approving the award of a contract for real estate broker services to NAI Wheeler of Beaumont
- D) Approve a resolution approving a change order to the contract with Brystar Contracting, Inc., related to the Wastewater Treatment Plant Holding Pond Project and Dredging of Ponds 1 and 2 Project
- E) Approve a resolution authorizing the City Manager to execute all documents necessary, specifically including a MOU between the 842nd Transportation Battalion and the Beaumont Police Department
- F) Approve a resolution authorizing the City Manager to execute all documents necessary, specifically including a contract, in order for the Southeast Texas Auto Theft Task Force (City of Beaumont) to transfer a vehicle title to the City of Port Arthur Police Department
- G) Approve a resolution authorizing the acceptance of a ten foot wide Exclusive Water Line Easement for the construction and expansion of a building at 410 IH 10 South

- H) Approve a resolution authorizing the acceptance of a ten foot wide Non-Exclusive Water Line Easement, described as being a 948.42 sq foot acre tract out of the J. W. Bullock League, Abstract No. 7, for the construction of a new building located at 4925 West Cardinal Drive
- I) Approve a resolution authorizing the acceptance of a ten foot wide Non-Exclusive Water Line Easement, described as being a 4709.59 sq foot acre tract out of the J. W. Bullock League, Abstract No. 7, for the construction of a new building located at 4925 West Cardinal Drive

RESOLUTION NO.

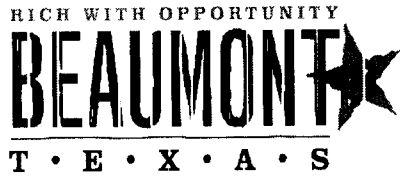
BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF BEAUMONT:

THAT the following reappointment be made:

<u>Reappointment</u>	<u>Commission</u>	<u>Beginning of Term</u>	<u>Expiration of Term</u>
Molly J. Dahm, PhD	Convention and Tourism Advisory Board	02/25/14	10/23/14

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of
February, 2014.

- Mayor Becky Ames -



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider a resolution approving the award of a contract for Workers Compensation Claims Administration to Abercrombie, Simmons and Gillette (AS&G) of Houston in the amount of \$64,900.

BACKGROUND

A Request for Proposal (RFP) for the self insured workers' compensation program's third party administrator (TPA) was sent to nine (9) potential responders. Three (3) responses were received. A panel of City staff met with the three respondents on February 12, 2014. The respondents interviewed were AS&G Claims Administration, TriStar Risk Management and The Littleton Group. After the interview, the panel evaluated the respondents using the criteria provided in the request for proposal. A copy of the criteria evaluation is attached.

The RFP was solicited for a one (1) year contract. There is an option to renew this contract annually for a maximum of four (4) renewals. AS&G Claims Administration is the current provider for the City's Workers' Compensation Claims Administration and the previous annual cost was \$64,828. The pricing requested in the current response is as follows:

	Contract Year	Option Year 1	Option Year 2	Option Year 3	Option Year 4
Total Cost	\$64,900	\$67,500	\$69,466	\$71,550	\$73,981

FUNDING SOURCE

Employee Benefits Fund.

RECOMMENDATION

Approval of resolution.

RFP Number: PF0114-06
RFP Opening: February 6, 2014
RFP Name: Workers Compensation - Third Party Administrator

Criteria	Max Points	Vendor AS&G Claims Admin Houston, TX	Vendor Littleton Group Austin, TX	Vendor Tristar Risk Mgt Long Branch, CA.
Ability to provide all services detailed in "Specific Requirements", methodology, philosophy, resources and flexibility applied to fulfill the scope of services	40	39.75	26.25	35.75
Proven experience providing all services detailed in "Specific Requirements".	20	19.75	13.75	18.25
Experience/qualifications of management and claims personnel, company history and financial stability	20	20	14	19.75
Local Office	10	9.5	7	1.25
Cost of Services	10	8.75	9	7.75
Total Points	100	97.75	70	82.75

RESOLUTION NO.

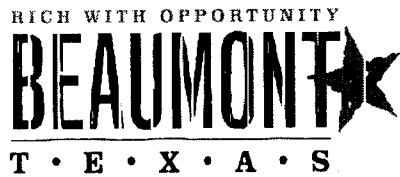
BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to enter into a one (1) year contract with Abercrombie, Simmons & Gillette, Inc., of Houston, Texas, effective April 1, 2014, to administer the City's self-insured workers' compensation program for \$64,900 with the option to renew for four (4) additional years at the rates of \$67,500 for option year one, \$69,466 for option year two, \$71,550 for option year three, and \$73,981 for option year four.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames -



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider a resolution approving the award of a contract for property insurance broker to Higginbotham dba Talon Insurance Agency of Nederland in the annual amount of \$50,000.

BACKGROUND

The State of Texas allows cities to obtain a property insurance broker who acts on the city's behalf in obtaining property insurance quotes from various insurance carriers. In addition to providing insurance coverage placement, the broker will provide inspection and evaluation of buildings, building appraisals, risk modeling and all wind and hurricane exposure services. The broker cannot submit bids on insurance products and the services are rendered on a "fee only" basis.

A Request for Proposal (RFP) for a property insurance broker was sent to ten (10) potential respondents. Three (3) responses were received. A panel of City staff met and evaluated the three responses according to the criteria provided in the RFP. A copy of the evaluation is attached.

The RFP was solicited for a one (1) year contract. There is an option to renew this contract annually for a maximum of two (2) renewals. McGriff, Seibels & Williams is the current provider for the property insurance broker and the previous annual cost was \$32,000. The pricing requested in the current response from Talon Insurance Agency is as follows:

	Contract Year	Option Year 1	Option Year 2
Total Cost	\$50,000	\$40,000	\$40,000

FUNDING SOURCE

General Fund - Public Works.

RECOMMENDATION

Approval of resolution.

Criteria Evaluation Sheet
PF0114-05
RFP Number: Property Insurance Broker Services
February 6, 2014
RFP Name:
RFP Date:

Criteria	Max Points	Higginbotham dba Talon Insurance Nederland, Tx.		
		McGriff, Seibels & Williams San Antonio, Tx.	Score	Score
Responsiveness to the RFP	10	9	9	8
Economic Evaluation of the proposed fee schedule	40	36	37	33.5
Capability and resources to provide the requested services and information contained in the proposal	50	45	45	40
Total Points	100	90	91	81.5

RESOLUTION NO.

WHEREAS, bids were solicited for a annual contract, with two (2) annual options to renew for a period of one (1) year, for insurance broker services on behalf of the City of Beaumont for all property insurance related services; and,

WHEREAS, Higginbotham dba Talon Insurance Agency, of Nederland, Texas, submitted a bid in the amount of \$50,000 for the first year of service and \$40,000 per year for the second and third years of service; and,

WHEREAS, City Council is of the opinion that the bid submitted by Higginbotham dba Talon Insurance Agency, of Nederland, Texas, should be accepted;

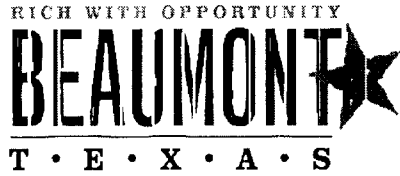
NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

THAT the bid submitted by Higginbotham dba Talon Insurance Agency, of Nederland, Texas, for an annual contract, with two (2) annual options to renew for a period of one (1) year, for insurance broker services for all City of Beaumont property insurance related services in the amount of \$50,000 for the first year of service and \$40,000 per year for the second and third years of service be accepted by the City of Beaumont.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.


- Mayor Becky Ames -



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer 

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider a resolution approving the award of a contract for real estate broker services to NAI Wheeler of Beaumont.

BACKGROUND

The State of Texas recently allowed cities to select a licensed Texas Real Estate Broker to list and sell City-owned properties. City staff will select the properties that will be listed by the broker. The broker will be responsible for writing and posting the property on the Multiple Listing Service (MLS) which is the online system where all real estate brokers post their new listings, posting the property on the company website, and carrying out other responsibilities associated with selling the property.

A Request for Proposal (RFP) for a real estate broker was sent to eight (8) potential respondents. Two (2) responses were received. A panel of City staff met and evaluated the two (2) responses according to the criteria provided in the RFP. A copy of the evaluation is attached.

The RFP was solicited for a one (1) year contract. There is an option to renew this contract annually for a maximum of two (2) renewals. The percentage fee that will be paid to NAI Wheeler is six percent (6%) if another broker is involved and three percent (3%) if no other broker is involved.

FUNDING SOURCE

Fees are paid from proceeds derived from the sale of property.

RECOMMENDATION

Approval of resolution.

RFP Number: PF0114-07
RFP Name: Real Estate Broker Services
RFP Date: February 13, 2014

Item	Evaluation Description	Max Points	KenWheel Inc dba NAI Wheeler Beaumont, TX.	Leak Properties ** Houston, TX.
1	Applicants experience in assisting buyers and sellers to complete real estate transactions.	25	25	NA
2	Marketing strategies used to seek buyers/investors for City owned commercial properties.	25	24	NA
3	Quality of MLS Commerical listings provided with response.	15	15	NA
4	Quality of references provided	10	9	NA
5	Submittal accuracy to this RFP	10	9	NA
6	Fee(s)	15	15	NA
	Total Points	100	97	NA

** Did not meet specifications

RESOLUTION NO.

WHEREAS, Request for Proposals were solicited for a annual contract, with two (2) annual options to renew for a period of one (1) year, for real estate broker services on behalf of the City of Beaumont to list and sell City-owned properties; and,

WHEREAS, NAI Wheeler, of Beaumont, Texas, submitted a response in the amount of six percent (6%) if another broker is involved and three percent (3%) if no other broker is involved; and,

WHEREAS, City Council is of the opinion that the bid submitted by NAI Wheeler, of Beaumont, Texas, should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE

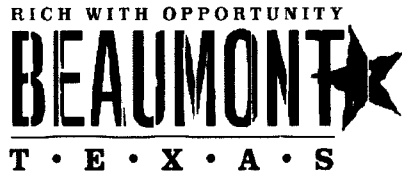
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

THAT the bid submitted by NAI Wheeler, of Beaumont, Texas, for an annual contract, with two (2) annual options to renew for a period of one (1) year, for real estate broker services to list and sell City-owned property in the amount of six percent (6%) if another broker is involved and three (3%) if no other broker is involved be accepted by the City of Beaumont.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames -



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Dr. Hani J. Tohme, P.E., Director of City Utilities ~~HA~~

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider a resolution approving a change order to the contract with Brystar Contracting, Inc., related to the Wastewater Treatment Plant Holding Pond Project and Dredging of Ponds 1 and 2 Project.

BACKGROUND

The City Council approved a contract with Brystar Contracting, Inc., on March 20, 2012, in the amount of \$4,391,500.00. The contract was to clean Wastewater Treatment Plant Pond #1, convert it into a flow equalization basin, and install related piping and manholes. The contract includes Alternate Bid Item No. 2 that will clean all ponds.

The proposed change order in the amount of \$22,457.61 will provide the necessary supervision, labor, equipment, and insurance to install the proposed Junction Box 12 on the existing dual 42" diameter effluent pipes due to a conflict with existing electrical conduit banks. This item includes the relocation of the electrical conduits banks and the special shoring protection of the excavation required to work between this and other existing electrical and water piping.

The Wastewater Treatment Plant is designed to process 46 million gallons per day. During a 2.5" rain event, the Plant receives up to 170 million gallons per day. Pond No. 1 of the Wastewater Treatment Plant was originally designed and constructed as part of the *Waste Treatment Plant Improvements Project* of 1971. The conversion of this pond into a flow equalization basin will increase the treatment capacity of the plant by increasing the storage capacity of the pond by 70 million gallons. The cleaning of the ponds will also increase their storage capacity and improve their functionality.

Previous actions include:

Resolution 12-055 in the amount of \$4,391,500.00 was passed by the City Council on March 20, 2012.

Resolution 12-105 in the amount of (\$36,550.00) was passed by the City Council on May 15, 2012.

WWTP Holding Pond Project
February 25, 2014
Page 2 of 2

Change Order #2 in the amount of \$9,000 was executed on June 18, 2012.
Resolution 13-129 in the amount of \$25,901.57 was passed by the City Council on June 18, 2013.
Resolution 13-192 in the amount of \$154,620.00 was passed by the City Council on September 10, 2013.

FUNDING SOURCE

Capital Program.

RECOMMENDATION

Approval of resolution.

DATE: January 30, 2014

PROJECT: City of Beaumont, Texas
Wastewater Treatment Plant - Wet Weather Flow Improvements

OWNER: City of Beaumont, Texas
801 Main Street
Beaumont, Texas 77704

CONTRACTOR: Brystar Contracting, Inc.
8385 Chemical Road
Beaumont, Texas 77705

TO THE OWNER: Approval of the following contract change is requested.

Reason for Change: Removal and Relocation of existing electrical conduit necessary to install proposed Junction Box 12, including required labor, equipment, and special shoring

ORIGINAL CONTRACT AMOUNT:	\$ 4,391,500.00
Change Order No. 1	\$ (36,550.00)
Change Order No. 2	\$ 9,000.00
Change Order No. 3	\$ 25,901.57
Change Order No. 4	\$ 154,620.00
THIS CHANGE ORDER	

<u>Description:</u>	<u>Net Change</u>
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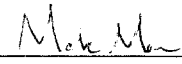
Removal and Relocation of existing electrical conduit necessary to install proposed Junction Box 12, including required labor, equipment, and special shoring	\$ 22,457.61
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TOTAL AMOUNT OF THIS CHANGE ORDER: \$ 22,457.61

TOTAL REVISED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER: \$ 4,566,929.18

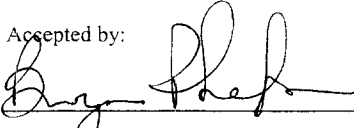
CONDITION OF CHANGE:

"Contractor acknowledges and agrees that the adjustments in contract price and contract time stipulated in this Change Order represents full compensation for all increases and decreases in the cost of, and the time required to perform the entire work under the Contract arising directly or indirectly from this Change Order and all previous Change Orders. Acceptance of this waiver constitutes an agreement between Owner and Contractor that the Change Order represents an all inclusive, mutually agreed upon adjustment to the Contract, and that Contractor will waive all rights to file a claim on this Change Order after it is properly executed."

Recommended by:

Schaumburg & Poik, Inc.
Engineer
Date: 2/5/14

Approved by:

City of Beaumont
Owner
Date: _____

Accepted by:

Brystar Contracting, Inc.
Contractor
Date: 1/31/14

BRYSTAR

CONTRACTING, INC.

8385 Chemical Road • Beaumont, Texas 77705 • (409) 842-6768

December 6, 2013

Mark Mann, P.E.
Schaumburg & Polk, Inc.
8865 College Street
Beaumont, Texas 77705

Re: WWTP Wet Weather Flow Improvements Additional Work Performed at Junction Box No. 12 (JB12)
Removal and Re-routing of Electrical Conduit and Special Shoring Required Due to Existing
Waterline.

Dear Sir:

Pursuant to our conversations and as directed we completed additional work items not required under our original contract scope. Work was completed so as to minimize the cost of the work and any delay to our work and the project that would have resulted had we not complied as directed. We will be pleased to review this matter with you at your convenience and have provided the following breakdown of additional work for your review.

1. Existing Electrical Conduit:
 - a. Isolate Circuit
 - b. Excavate and remove conduit
 - c. Provide temporary electric to existing gates
 - d. Re-route conduit/wiring upon completion of JB12
 - e. 1 day delay of crew
2. Provide Special Shoring to Accommodate Unknown Waterline
 - a. Rental/installation of special shoring
 - b. 1 day delay of crew

Labor and Equipment	\$ 7,276.00
Sub (Electrician)	\$ 1,200.00
Materials (Rented Shoring)	\$11,052.36
OH&P (15%)	<u>\$ 2,929.25</u>
Total	\$22,457.61

Should you have any questions please do not hesitate to call.

Sincerely,



Ron Lane
Project Manager

Servicing Branch:
5777 MLK Boulevard
Beaumont, TX 77705
Phone: 409-832-3030
Fax: 409-832-3033



"THE TRENCH AND TRAFFIC SAFETY SPECIALISTS"

Sale Invoice
Invoice Number: 0271331
Invoice Date: 9/6/2013
Contract: R128309
Rent Begin Date:

* Please do not remit payments
to the above address

888.234.9244 (Toll Free) • 832.200.0989 Fax • www.ntsafety.com Customer No: 000003Y

Bill To:
BRYSTAR CONTRACTING INC.
8385 CHEMICAL RD
BEAUMONT, TX 77705

2012190

Ship To Address:
BEAUMONT SEWER PLANT
LAFFIN ROAD
RON 409-842-6768
BEAUMONT, TX 77705

Customer PO: 26652	Ship Via: OUR TRUCK	Confirm To: RON 409-842-6768	Terms: NET UPON RECEIPT	Salesman: RC12	
Item Number	Ordered	Shipped	Back Ordered	Unit Price	Extension

DCOT	1	1	0	150.00	150.00
DELIVERY TRUCK	0.00 DAY	0.00 WEEK	0.00 MONTH		

Billed from 1 Days

ENTERED
SEP 10 2013
BRYSTAR

PLEASE NOTE OUR NEW "REMIT TO" PAYMENT ADDRESS

Invoice Due and Payable at:
NTS Mikedon, LLC
PO Box 750963
Houston, TX 77075

All terms and conditions of original contract apply.
RENTAL FEES DO NOT APPLY TO SALE

Net Order: 150.00

Sales Tax: 12.38
Order Total: 162.38

pk

Servicing Branch:
5777 MLK Boulevard
Beaumont, TX 77705
Phone: 409-832-3030
Fax: 409-832-3033



**NATIONAL
TRENCH SAFETY**

"THE TRENCH AND TRAFFIC SAFETY SPECIALISTS"

New Rental
Invoice Number: 0271801
Invoice Date: 9/10/2013
Contract: R126100
Rent Begin Date: 8/14/2013

* Please do not remit payments
to the above address

888.234.9244 (Toll Free) • 832.200.0989 Fax • www.ntsafety.com Customer No: 000003Y

Bill To:
BRYSTAR CONTRACTING INC.
8385 CHEMICAL RD
BEAUMONT, TX 77705

Ship To Address:
WASTEWATER TREATMENT PLANT
LAFIN RD
KYLE 409-284-0502
BEAUMONT, TX 77705

Customer PO: 26581	Ship Via: OUR TRUCK	Confirm To: KYLE	Terms: NET UPON RECEIPT	Salesman: BB12
Item Number	Ordered	Shipped	Unit Price	Extension

213600001	1	1		880.00
8X8 TRENCH BOX-4" WALL	98.00 DAY	294.00 WEEK	880.00 MONTH	

Billed from 8/14/2013 9/10/2013 28 Days
Serial Number: B738-NTS315

250080096	4	4		0.00
8' X 8" RND SPREADER	0.00 DAY	0.00 WEEK	0.00 MONTH	

Billed from 8/14/2013 9/10/2013 28 Days
250000005

SPREADER PINS FOR BOXES	8	8		0.00
	0.00 DAY	0.00 WEEK	0.00 MONTH	

Billed from 8/14/2013 9/10/2013 28 Days
CUSTOMER PICKED UP

ENTERED
SEP 12 2013
BRYSTAR

*still on
per 9/12/13
per Ron*

PLEASE NOTE OUR NEW "REMIT TO" PAYMENT ADDRESS

Invoice Due and Payable at:
NTS Mikedon, LLC
PO Box 750963
Houston, TX 77075

All terms and conditions of original contract apply.
RENTAL FEES DO NOT APPLY TO SALE

Net Order: 880.00

Sales Tax: 72.60
Order Total: 952.60

Servicing Branch:

5777 MLK Boulevard
Beaumont, TX 77705
Phone: 409-832-3030
Fax: 409-832-3033



**NATIONAL
TRENCH SAFETY**

"THE TRENCH AND TRAFFIC SAFETY SPECIALISTS"

Rental Return

Invoice Number: 0274943

Invoice Date: 9/24/2013

Contract: R128309

Rent Begin Date: 9/6/2013

* Please do not remit payments
to the above address

888.234.9244 (Toll Free) • 832.200.0989 Fax • www.ntsafety.com Customer No: 000003Y

Bill To:

BRYSTAR CONTRACTING INC.
8385 CHEMICAL RD
BEAUMONT, TX 77705

Ship To Address:

BEAUMONT SEWER PLANT
LAFFIN ROAD
RON 409-842-6768
BEAUMONT, TX 77705

Customer PO:
26652

Ship Via:
OUR TRUCK

Confirm To:
RON 409-842-6768

Terms:
NET UPON RECEIPT

Salesman:
RC12

Item Number	Shipped	Returned	Balance	Unit Price	Extension
330000002	8	8	0		1,800.00
20'X24" STEEL SHEETING	25.00 DAY	75.00 WEEK	225.00 MONTH		
Billed from 9/6/2013	9/23/2013	18 Days			
DCOT	1	1	0	150.00	150.00
PICKUP CHARGE	0.00 DAY	0.00 WEEK	0.00 MONTH		

Billed from 1 Days

ENTERED
SEP 26 2013
BRYSTAR

PLEASE NOTE OUR NEW "REMIT TO" PAYMENT ADDRESS

Invoice Due and Payable at:

NTS Mikedon, LLC
PO Box 750963
Houston, TX 77075

All terms and conditions of original contract apply.
RENTAL FEES DO NOT APPLY TO SALE

Net Order: 1,950.00

Sales Tax: 160.88
Order Total: 2,110.88

[Handwritten signature]

Servicing Branch:

5777 MLK Boulevard
 Beaumont, TX 77705
 Phone: 409-832-3030
 Fax: 409-832-3033



**NATIONAL
TRENCH SAFETY**

"THE TRENCH AND TRAFFIC SAFETY SPECIALISTS"

Rental Return

Invoice Number: 0274947
 Invoice Date: 9/24/2013
 Contract: R126100
 Rent Begin Date: 9/11/2013

* Please do not remit payments
 to the above address

888.234.9244 (Toll Free) • 832.200.0989 Fax • www.ntsafety.com Customer No: 000003Y

Bill To:

BRYSTAR CONTRACTING INC.
 8385 CHEMICAL RD
 BEAUMONT, TX 77705

Ship To Address:

WASTEWATER TREATMENT PLANT
 LAFIN RD
 KYLE 409-284-0502
 BEAUMONT, TX 77705

Customer PO:

26581 ✓

Ship Via:

OUR TRUCK

Confirm To:

KYLE

Terms:

NET UPON RECEIPT

Salesman:

RC12

Item Number	Shipped	Returned	Balance	Unit Price	Extension
213600001 8X8 TRENCH BOX-4" WALL	1 98.00 DAY	1 294.00 WEEK	0 880.00 MONTH		588.00
Billed from 9/11/2013 ✓ 9/23/2013 ✓ 13 Days Serial Number: B738-NTS315					
250080096 8' X 8" RND SPREADER	4 0.00 DAY	4 0.00 WEEK	0 0.00 MONTH		0.00
Billed from 9/11/2013 9/23/2013 13 Days					
250000005 SPREADER PINS FOR BOXES	8 0.00 DAY	8 0.00 WEEK	0 0.00 MONTH		0.00
Billed from 9/11/2013 ✓ 9/23/2013 ✓ 13 Days					

*ordered
9/23/13*

ENTERED
 SEP 26 2013
 BRYSTAR

PLEASE NOTE OUR NEW "REMIT TO" PAYMENT ADDRESS

Invoice Due and Payable at:

NTS Mikedon, LLC
 PO Box 750963
 Houston, TX 77075

All terms and conditions of original contract apply.

RENTAL FEES DO NOT APPLY TO SALE

Net Order: 588.00

Sales Tax: 48.51
 Order Total: 636.51

21

Servicing Branch:

5777 MLK Boulevard
 Beaumont, TX 77705
 Phone: 409-832-3030
 Fax: 409-832-3033



**NATIONAL
TRENCH SAFETY**

"THE TRENCH AND TRAFFIC SAFETY SPECIALISTS"

Rental Return

Invoice Number: 0275024
 Invoice Date: 9/24/2013
 Contract: R124910
 Rent Begin Date: 9/6/2013

* Please do not remit payments
 to the above address

838.234.9244 (Toll Free) • 832.200.0989 Fax • www.ntsafety.com Customer No: 000003Y

Bill To:

BRYSTAR CONTRACTING INC.
 8385 CHEMICAL RD
 BEAUMONT, TX 77705

Ship To Address:

BEAUMONT SEWER PLANT
 LAFFIN ROAD
 RON 409-842-6768
 BEAUMONT, TX 77705

Customer PO: 26652	Ship Via: OUR TRUCK	Confirm To: RON 409-842-6768	Terms: NET UPON RECEIPT	Salesman: RC12	
Item Number	Shipped	Returned	Balance	Unit Price	Extension

330000002	22	22	0		4,950.00
20'X24" STEEL SHEETING	25.00 DAY	75.00 WEEK	225.00 MONTH		

Billed from 9/6/2013 ✓	9/23/2013 18	Days			
330000011	1	1	0		0.00
SHEETING LIFTING DEVICE	0.00 DAY	0.00 WEEK	0.00 MONTH		

Billed from 9/6/2013 ✓	9/23/2013 18	Days			
140002020	2	2	0		1,584.00
20'x20' 4-Way Manhole Brace	88.00 DAY	264.00 WEEK	792.00 MONTH		

Billed from 9/6/2013 ✓	9/23/2013 18	Days			
160500001	1	1	0		90.00
SHORE PUMP-PLASTIC Can	10.00 DAY	30.00 WEEK	90.00 MONTH		

Billed from 9/6/2013 ✓	9/23/2013 18	Days			
170000004	1	1	0		9.00
RT-48" Release Tool	1.00 DAY	3.00 WEEK	9.00 MONTH		

Billed from 9/6/2013 ✓	9/23/2013 18	Days			
183000002	1	1	0		9.00
4 Way MHB Hose Manifold	1.00 DAY	3.00 WEEK	9.00 MONTH		

Billed from 9/6/2013 ✓	9/23/2013 18	Days			
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ENTERED
 SEP 26 2013
 BRYSTAR

Net Order: 6,642.00

PLEASE NOTE OUR NEW "REMIT TO" PAYMENT ADDRESS

Invoice Due and Payable at:

NTS Mikedon, LLC
 PO Box 750963
 Houston, TX 77075

All terms and conditions of original contract apply.
 RENTAL FEES DO NOT APPLY TO SALE

Sales Tax: 547.99
Order Total: 7,189.99

RESOLUTION NO.

WHEREAS, on March 20, 2012, the City Council of the City of Beaumont, Texas, passed Resolution No. 12-055 awarding a contract in the amount of \$4,391,500 to Brystar Contracting, Inc., of Beaumont Texas, for the Wastewater Treatment Plant Holding Pond Project and Dredging of Ponds 1 and 2 Project; and,

WHEREAS, on May 15, 2012, the City Council of the City of Beaumont, Texas, passed Resolution No. 12-105 approving Change Order No. 1 in the amount of (\$36,550) for alternate materials related to the electrical components of the project, thereby decreasing the contract amount to \$4,354,950; and,

WHEREAS, on June 18, 2012, the City Manager executed Change Order No. 2 in the amount of \$9,000.00 to furnish all necessary supervision, labor, equipment, and insurance to complete the loading and hauling of dirt from the City of Beaumont Waste Water Treatment Plant to the dirt stockpile location on the City of Beaumont landfill in tandem dump trucks, thereby increasing the contract amount to \$4,363,950; and,

WHEREAS, on June 18, 2013, the City Council of the City of Beaumont, Texas, passed Resolution No. 13-129 approving Change Order No. 3 in the amount of \$25,901.57 to delete the bar screen mechanism, furnish and install additional concrete for aeration pads, increase Bid Item 3 for additional solids removal from Pond 1, provide for the cleaning of solids from Pond 2, and delete Alternate Bid Item No. 2, thereby increasing the contract amount to \$4,389,851.57; and,

WHEREAS, on September 10, 2013, the City Council of the City of Beaumont, Texas, passed Resolution No. 13-192 approving Change Order No. 4 in the amount of \$154,620 to provide the necessary supervision, labor, equipment, and insurance to load

and haul earthen material and construct an earthen levee sludge containment area, thereby increasing the contract amount to \$4,544,471.57; and,

WHEREAS, Change Order No. 5 in the amount of \$22,457.61 is required to provide the necessary supervision, labor, equipment, and insurance to install the proposed Junction Box 12 on the existing dual 42" diameter effluent pipes due to a conflict with existing electrical conduit banks, thereby increasing the contract amount to \$4,566,929.18;

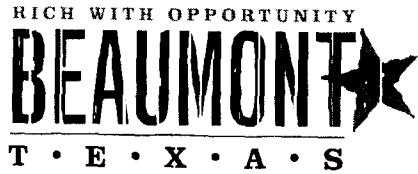
NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the City Manager be and he is hereby authorized to execute Change Order No. 5 for additional work described above, thereby increasing the contract amount by \$22,457.61 for a total contract amount of \$4,566,929.18.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames -



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: James P. Singletary, Chief of Police

MEETING DATE: February 25, 2014

REQUESTED ACTION: Consider a resolution authorizing the City Manager to execute all documents necessary, specifically including a MOU between the 842nd Transportation Battalion and the Beaumont Police Department.

BACKGROUND

This is a new Memorandum of Understanding requested by the 842nd Transportation Battalion at the Port of Beaumont. This will establish written procedures concerning the exchange of information, case investigation, cases involving civilian alleged offenders, jurisdiction, and coordination of efforts and assets between the Beaumont Police Department and the Battalion. Military units all over the country have been directed to enter into a joint Memorandum of Understanding with local law enforcement to seek better handling of cases involving military members that are sexual assault victims.

FUNDING SOURCE

Not Applicable.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute a Memorandum of Understanding between the City of Beaumont and 842nd Transportation Battalion, through the Department of the Army, to establish written procedures concerning the exchange of information, case investigations, cases involving civilian alleged offenders, jurisdiction, and coordination of efforts and assets in sexual assault cases involving an active duty Service member. Said Memorandum of Agreement is substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames -



DEPARTMENT OF THE ARMY
MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND
842D TRANSPORTATION BATTALION
1350 Leonard Street
BEAUMONT, TX 77701-3610

REPLY TO
ATTENTION OF:

MEMORANDUM OF UNDERSTANDING
BETWEEN
842nd TRANSPORTATION BATTALION
AND
BEAUMONT POLICE DEPARTMENT

SUBJECT: Memorandum of Understanding

1. PURPOSE: To establish written procedures concerning the exchange of information, case investigation, cases involving civilian alleged offenders, jurisdiction, and coordination of efforts and assets between the Beaumont Police Department in sexual assault cases involving an active duty Service member.

2. GENERAL: This MOU does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the 842nd Transportation Battalion and Beaumont Texas Police Department, located in Jefferson County Texas. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. (See DoD Directive 5400.11 (Reference (ah)). As used herein, the term "Service member" refers to an active duty Service member, Military Service Academy cadet or midshipmen, or National Guard or Reserve Service member when performing active service and inactive duty training (as defined in section 101(d) (3) of Reference (a)) or a member of the Coast Guard or Coast Guard Reserve (when the Coast Guard is operating as a service in the Navy).

3. RESPONSIBILITIES:

- A. The Beaumont Texas Police Department agrees to perform the following actions:
 - (1) When investigating sexual assault cases, the Beaumont Texas Police Department will endeavor to determine whether the alleged offender is a Service member. If the alleged offender is a Service member, the investigating officer(s), to the extent allowed by Texas law, will endeavor to provide the public copy information, as defined by Texas law, of the 842nd Transportation Battalion. A copy of the probable cause affidavit, with any applicable redactions as required by Texas Law, of any arrest made in the case will be forwarded as prescribed by this agreement.
 - (2) When investigating sexual assault cases, the Beaumont Texas Police Department will endeavor to determine whether the victim is a Service member. If the victim is a Service member, the investigating officer(s) shall seek the victim's consent to forward the copy allowed by Texas law of the incident/investigation report to the

SUBJECT: Memorandum of Understanding

842nd Transportation Battalion VA-SHARP so that it can be provided to the victim's commander. If the victim so consents, the investigating officer(s) shall note on the top of the incident/investigation report "Copy to the 842nd Transportation Battalion" and the designated personnel shall ensure the copy is forwarded. If the victim does not consent, the investigating officer(s) shall note in the body of the incident/investigation report that the victim did not consent to forwarding the report to the 842nd Transportation Battalion and shall not direct designated personnel to forward the report, but the copy of the report allowed by Texas law report shall be provided to the 597th Transportation Brigade Sexual Assault Response Coordinator (SARC). A copy of the probable cause affidavit of any arrest made in the case will be forwarded as prescribed by this agreement.

- (3) When responding to or investigating sexual assault cases, and the Beaumont Texas Police Department ascertains that the alleged offender and the victim are both Service members, the investigating officer shall seek the victim's consent to forward a public copy of the incident/investigation report to the 842nd Transportation Battalion VA-SHARP to provide a copy to the victim's commander. If the victim so consents, the investigating officer(s) shall note on the top of the incident/investigation report "Copy to the 842nd Transportation Battalion" and the designated Records personnel shall ensure the copy is forwarded. If the victim does not consent, the investigating officer(s) shall note in the body of the incident/investigation report that the victim did not consent to forwarding the report to the 842nd Transportation Battalion and shall not direct designated personnel to forward the report, but the public copy of the report shall be provided to the 597th Transportation Brigade Sexual Assault Response Coordinator (SARC).
- (4) When the Beaumont Texas Police Department receives a copy of a temporary or permanent civil protection order (CPO) issued by a court of competent jurisdiction, the investigating officer(s) shall ascertain whether the alleged offender is an active duty Service member. If the alleged offender is active duty, the investigating officer(s) shall note on the top of the CPO "Copy to the 842nd Transportation Battalion" and the designated Records personnel shall ensure the copy is forwarded as provided by Texas Code of Criminal Procedures Art. 5.05 Reports and Records.
- (5) When the Beaumont Texas Police Department receives a copy of a temporary or permanent CPO, the investigating officer(s) shall ascertain whether the victim is a Service member. If the victim is a Service member, the investigating officer(s) shall seek the victim's consent to forward a copy of the CPO to the 842nd Transportation Battalion. If the victim so consents, the investigating officer(s)

shall note on the top of the CPO "Copy to the 842nd Transportation Battalion" and the designated personnel shall ensure the copy is forwarded. If the victim does not
SUBJECT: Memorandum of Understanding

consent, the investigating officer(s) shall not request that a copy of the CPO be forwarded to the 842nd Transportation Battalion.

- (6) When the Beaumont Texas Police Department becomes aware of a violation of a term or provision of an MPO by a member of the military, the investigating officer(s) shall notify the designated representative from the Fort Sam Houston, TX CID of the violation.
 - (7) The Beaumont Texas Police Department shall provide the Fort Sam Houston, TX CID with an area for Installation Law Enforcement investigators to conduct interviews of Service members who are involved in sexual assault incidents if the event occurred on military property or property where the military law enforcement investigators would have jurisdiction.
 - (8) The Fort Sam Houston, TX CID shall, when appropriate, conduct joint investigations with the Beaumont Texas Police Department if incidents of sexual assault involve Service members.
 - (9) When the victim in a sexual assault incident has been identified as a service member, the Beaumont Texas Police Department investigating officer(s) will endeavor to provide the victim with basic information, acquired from the 842nd Transportation Battalion VA-SHARP about local resources available to sexual assault victims.
 - (10) As new Special Crimes Investigators are assigned to the Criminal Investigations Unit, their immediate supervisor shall provide them with copies of this MOU and basic instruction for effectuating the provisions of this MOU.
- B. The 842nd Transportation Battalion agrees to perform the following actions:
- (1) The 842nd Transportation Battalion shall designate an individual to act as liaison to the Beaumont Texas Police Department and to receive copies of incident/investigation reports stemming from an incident occurring off of the port and CPOs involving Service members.
 - (2) When the 842nd Transportation Battalion receives a copy of an MPO from any military installation, the 842nd Transportation Battalion shall forward a copy of the MPO to the Beaumont Texas Police Department.

SUBJECT: Memorandum of Understanding

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

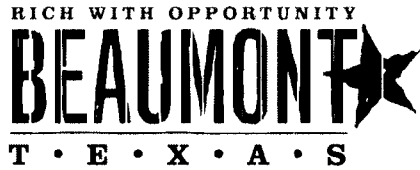
- A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with 60 days written notice to the other party.
- B. Effective execution of this agreement can only be achieved through continuing communication and dialogue between the parties. It is the intent of this MOU that channels of communication shall be used to resolve questions, misunderstandings, or complaints that may arise that are not specifically addressed in this MOU.
- C. Personnel from the 842nd Transportation Battalion and from the Beaumont Texas Police Department shall meet, as necessary and appropriate, to discuss open cases involving Service members and to share information regarding reciprocal investigations.
- D. The primary POC for this agreement is LTC Bowser, Darrin; 842nd Transportation Battalion, 1350 Leonard Street, 409-784-3801, darrin.m.bowser.mil@mail.mil

DARRIN M. BOWSER
LTC, LG
Commanding

(Date)

Kyle Hayes
City Manager
City of Beaumont

(Date)



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: James P. Singletary, Chief of Police *JP*

MEETING DATE: February 25, 2014

REQUESTED ACTION: Consider a Resolution authorizing the City Manager to execute all documents necessary, specifically including a contract, in order for the Southeast Texas Auto Theft Task Force (City of Beaumont) to transfer a vehicle title to the City of Port Arthur Police Department.

BACKGROUND

The Texas Gov't. Code Ann. Sec. 791.001 allows local governments to contract with one another to provide a governmental function that each local government is authorized to perform individually. Each year, the City of Beaumont, City of Port Arthur, Jefferson County, Hardin County, Jasper County and Orange County enter into an Interlocal contract with each other, forming a joint cooperative agency which is known as the Southeast Texas Auto Theft Task Force.

Using grant funding, the Southeast Texas Auto Theft Task Force purchased a 2014 Ford F150 truck to be used by investigators in furtherance of the Task Force's objectives. This vehicle will be used to replace a 2007 truck with approximately 135,000 miles that has been assigned to the Port Arthur Investigator with the task force. In 2010 the City of Beaumont and the Southeast Texas Auto Theft Task Force entered into an agreement with the City of Port Arthur to transfer the title of the vehicle to allow the City of Port Arthur to maintain the vehicle and provide insurance. This agreement worked to the advantage of all parties and the Southeast Texas Auto Theft Task Force is requesting that a similar agreement be entered into, allowing the 2014 vehicle to be transferred to the City of Port Arthur Police Department in accordance with past practice. The 2007 vehicle will be returned to the City of Beaumont to be sold at auction for program income, in accordance with the past agreement.

FUNDING SOURCE

Not Applicable.

RECOMMENDATION

Approval of Resolution.

**SOUTHEAST TEXAS AUTO THEFT TASK FORCE USE AND
MAINTENANCE AGREEMENT**

For one dollar (\$1.00) and other consideration, consideration of which is herein acknowledged, the Southeast Texas Auto Theft Task Force (hereinafter referred to as "Task Force") agrees, via its Project Director, to transfer title of the vehicle identified as a 2014 Ford F150, VIN **1FTFW1CF8EKD33511**, (which vehicle was acquired with Task Force grant funds for use by the Task Force and is currently titled to the City of Beaumont) to the City of Port Arthur under the following terms and conditions:

- 1) The vehicle identified above (hereinafter referred to as "the vehicle") shall be maintained by the City of Port Arthur in accordance with the maintenance standards established by the manufacturer. All maintenance records on the vehicle shall promptly be provided to the Task Force and shall be available upon request to the Task Force.
- 2) The vehicle shall be used for Task Force purposes and is to be driven solely by the one or more designated peace officers of the City of Port Arthur who is/are assigned to the Task Force.
- 3) By assuming title to the vehicle, the City of Port Arthur agrees to be responsible for all damages to the vehicle, and all maintenance and repairs to the vehicle, in accordance with manufacturer's standards for the period of time that the City of Port Arthur retains title. Specifically, if the vehicle is damaged while in the possession of the City of Port Arthur, the Task Force will be reimbursed by the City of Port Arthur for either the reasonable replacement (in accordance with NADA values & standards) or reasonable repair (in accordance with manufacturer's standards). Further, the City of Port Arthur, by assuming title to the vehicle, agrees not to sell or transfer title of the vehicle without approval in writing from the Task Force via its Project Director. Further, the City of Port Arthur also hereby agrees that all proceeds from any such sale or transfer of the vehicle shall be payable to the Task Force and will be so paid to the Task Force.
- 4) Further, if at any time the vehicle ceases to be used in accordance the terms and conditions of the Interlocal Agency Agreement governing the Task Force and/or this agreement, then the City of Port Arthur agrees to transfer title of the vehicle to the Task Force. Specifically, upon written request from the Task Force Project Director for return of the vehicle, the City of Port Arthur hereby agrees that it will transfer title of the above identified vehicle to the ABTPA/Southeast Texas Auto Theft Task Force within 30 (thirty) days.
- 5) If the vehicle is damaged while titled to the City of Port Arthur, the City of Port Arthur hereby agrees to make all necessary repairs to the vehicle, within 60 (sixty) days, in

accordance with manufacturer's standards, so as to maintain reasonable replacement value of the vehicle.

6) If the vehicle is damaged beyond reasonable repair (i.e. totaled) the City of Port Arthur will promptly pay the Task Force the NADA replacement value of the vehicle within 90 (ninety) days.

7) This agreement will continue in effect for 60 (sixty) days after the expiration of the Interlocal Agency Agreement establishing the Southeast Texas Auto Theft Task Force, as long as efforts are being made to renew the Interlocal Agency Agreement establishing the Southeast Texas Auto Theft Task Force.

8) It is understood and agreed that the Task Force will have no responsibility for the operation or maintenance of the vehicle while it is titled to the City of Port Arthur. The City of Port Arthur will be responsible for the vehicle, while it retains title, in accordance with the provisions of the Texas Tort Claims Act and Texas law. The City of Port Arthur agrees and understands that it will be solely responsible for any negligent operation of the vehicle resulting in property damage and/or personal injuries.

9) Title to the vehicle will be transferred promptly after execution of this agreement by all signatories, and not later than 30 (thirty) days after execution of this agreement.

10) This document constitutes the entire agreement among the parties concerning the vehicle identified in this agreement and any changes or amendments shall be in writing and signed by all parties or their duly appointed representatives.

Kyle Hayes
City Manager
City of Beaumont

John Comeaux
Interim City Manager
City of Port Arthur

Lt. Chris Schuldt
Project Director
Southeast Texas Auto Theft Task Force

RESOLUTION NO.

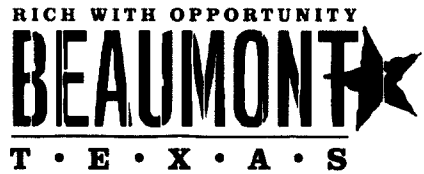
BE IT RESOLVED BY THE CITY COUNCIL

OF THE CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute all documents necessary, specifically including a contract with the Southeast Texas Auto Theft Task Force ("Task Force") and City of Port Arthur, Texas, to transfer title of a 2007 Ford F150 pickup truck, purchased in the name of the City of Beaumont, to the City of Port Arthur for maintenance and insurance purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames -



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: ^{PD} Patrick Donart, Public Works Director

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider a resolution authorizing the acceptance of a ten foot (10') wide Exclusive Water Line Easement.

BACKGROUND

L & L Realty Partnership has agreed to convey a ten foot (10') wide exclusive Water Line Easement to the City of Beaumont. The easement is described as being a 0.304 acre tract out of the Noah Tevis Survey, Abstract No. 52 and the David Brown Survey, Abstract No. 5. The water line easement is for the construction and expansion of a building at 410 IH 10 South.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, L & L Realty Partnership has agreed to convey a ten foot (10') wide exclusive water line easement, said easement being a 0.304 acre tract out of the Noah Tevis Survey, Abstract No. 52 and the David Brown Survey, Abstract No. 5, as described in Exhibit 1 and shown on Exhibit 2, attached hereto, to the City of Beaumont for the purpose of facilitating the construction and expansion of a building located at 410 IH 10 South; and,

WHEREAS, the City Council has considered the purpose of said conveyance and is of the opinion that the acceptance of said conveyance is necessary and desirable and that same should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the ten foot (10') exclusive water line easement conveyed by L & L Realty Partnership, being a 0.304 acre tract out of the Noah Tevis Survey, Abstract No. 52 and the David Brown Survey, Abstract No. 5, as described in Exhibit 1 and shown on Exhibit 2, attached hereto, be and the same is hereby, in all things, accepted for the stated purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames -

X

KNOW ALL MEN BY THESE PRESENTS:

X

WATER LINE EASEMENT

THAT, L & L REALTY PARTNERSHIP, State of Texas hereinafter called "GRANTOR", whether one or more, for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00), and other good and valuable consideration to us in hand paid by the CITY OF BEAUMONT, a municipal corporation domiciled in Jefferson County, Texas, hereinafter called "GRANTEE", the receipt and sufficiency of which consideration is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the CITY OF BEAUMONT, P. O. Box 3827, Beaumont, Texas 77704, Jefferson County, Texas, its successors and assigns, a Water Line Easement and the exclusive right to construct, alter, and maintain said waterlines and appurtenances on the hereinafter described lands which said easement is under, over, in and across those certain tracts or parcels of land owned by GRANTOR situated in the County of Jefferson, State of Texas, and being more particularly described in Exhibit "A", attached and made a part hereof for all purposes.

The easement herein granted shall be used for the purpose of placing, constructing, operating, repairing, rebuilding, replacing, relocating, and/or removing water lines and appurtenances, and the following rights are also hereby conveyed collectively, the “Easement Rights”.

It is expressly understood and agreed that the City of Beaumont shall have the right of ingress to and egress from the tracts of land hereinbefore described and use of the same for the purposes aforesaid, and giving said City the right and privilege to improve, maintain and operate

the same as permitted by law.

GRANTOR agrees not to place any structures or appurtenances within the Easement Property that will interfere with Grantee's ability to exercise the Easement Rights.

Grantee shall not be responsible for the repair and replacement of any paving or other structures within the Easement Property.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said CITY OF BEAUMONT, its successors and assigns forever.

EXECUTED this _____ day of _____, 2014.

GRANTOR:

L & L REALTY PARTNERSHIP

By: _____

Printed Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS X

COUNTY OF JEFFERSON X

BEFORE ME, the undersigned authority, on this day personally appeared _____ as _____ of **L & L REALTY PARTNERSHIP**, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2014.

Notary Public, State of Texas

RETURN TO: City of Beaumont
Antoinette Hardy - Engineering
P. O. Box 3827
Beaumont, TX 77704

EXHIBIT "A"

Page 1 of 3

December 16, 2013

Revised February 13, 2014

Surveyor's Field Note Description: 0.336 Acre Exclusive City Water Line Easement

BEING a 0.336 acre (14629.01 square feet) tract of land (Exclusive City Water Line Easement) out of and a part of that certain L & L Realty Partnership called 9.645 acre tract of land, more fully described and recorded in Clerk's File No. 2005021572 of the Official Public Records of Jefferson County, Texas. Said 0.336 acre tract being situated in the Noah Tevis Survey, Abstract No. 52 and the David Brown Survey, Abstract No. 5, Jefferson County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the Northwest corner of said 9.645 acre tract, same being the intersection point of the South line of Hollywood Avenue (60 feet wide right-of-way) and the East line of that certain Jefferson County Drainage District No. 6 (80 feet wide drainage easement), more fully described and recorded in Volume 251, Page 165 of the Deed Records of Jefferson County, Texas;

THENCE North 80 deg. 06 min. 30 sec. East along and with the North line of said Exclusive City Water Line Easement and said 9.645 acre tract, same being the South line of said Hollywood Avenue, a distance of 149.00 feet to a point for corner;

THENCE in a Southeasterly direction along and with the East side of said Exclusive City Water Line Easement the following courses and distances;

South 09 deg. 53 min. 30 sec. East, a distance of 10.00 feet to a point for corner;
South 80 deg. 06 min. 30 sec. West, a distance of 137.34 feet to a point for corner;
South 18 deg. 39 min. 41 sec. East, a distance of 392.65 feet to a point for corner;
North 71 deg. 26 min. 29 sec. East, a distance of 69.76 feet to a point for corner;
North 80 deg. 03 min. 21 sec. East, a distance of 161.46 feet to a point for corner;
South 09 deg. 56 min. 39 sec. East, a distance of 10.00 feet to a point for corner;
South 80 deg. 03 min. 21 sec. West, a distance of 160.71 feet to a point for corner;
South 71 deg. 26 min. 29 sec. West, a distance of 68.99 feet to a point for corner;
South 18 deg. 39 min. 41 sec. East, a distance of 155.65 feet to a point for corner;
North 86 deg. 29 min. 22 sec. East, a distance of 497.51 feet to a point for corner in the East line of said 9.645 acre tract, same being the West line of that certain Gerald Condon Properties, LTD. called 2.59858 acre tract of land, more fully described and recorded in Clerk's File No. 2012015580 of said Official Public Records;



EXHIBIT "A"

Page 2 of 3

0.336 Acre Exclusive City Water Line Easement

South 03 deg. 26 min. 11 sec. East along and with the East line of said 9.645 acre tract, same being the West line of said 2.59858 acre tract, a distance of 30.00 feet to a 1/2 inch iron rod found at the Southeast corner of said 9.645 acre tract, same being the Southwest corner of said 2.59858 acre tract and being in the North line of that certain Jefferson County Drainage District No. 6 (80 feet wide drainage easement), more fully described and recorded in Volume 971, Page 577 of said Deed Records, from which a 1-1/4 inch iron pipe found at the Southeast corner of said 2.59858 acre tract, same being the Northeast corner of said (80 feet wide drainage easement), Volume 971, Page 577 and being in the West right-of-way line of Interstate Highway No. 10 (right-of-way width varies), bears North 86 deg. 29 min. 22 sec. East, a distance of 436.77 feet;

THENCE South 86 deg. 33 min. 49 sec. West along and with the South line of said 9.645 acre tract, same being the North line of said (80 feet wide drainage easement), Volume 971, Page 577, a distance of 10.00 feet to a point for corner;


THENCE in a Northwesterly direction along and with the West side of said Exclusive City Water Line Easement the following courses and distances;

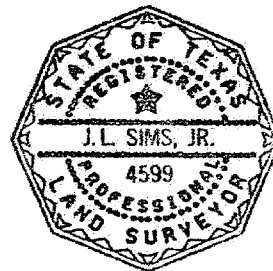
North 03 deg. 26 min. 11 sec. West, a distance of 19.99 feet to a point for corner;

South 86 deg. 29 min. 22 sec. West, a distance of 495.15 feet to a point for corner in the West line of said of 9.645 acre tract, same being the East line of said (80 feet wide drainage easement), Volume 251, Page 165, from which the Southwest corner of said 9.645 acre tract, same being intersection point of the North line of said (80 feet wide drainage easement), Volume 971, Page 577 and the East line of said (80 feet wide drainage easement), Volume 251, Page 165, bears South 18 deg. 39 min. 41 sec. East, a distance of 20.72 feet. From said corner a 1/2 inch iron rod found (bent), bears North 18 deg. 39 min. 41 sec. West, a distance of 2.35 feet;

North 18 deg. 39 min. 41 sec. West along and with the West line of said 9.645 acre tract, same being the East line of said (80 feet wide drainage easement), Volume 251, Page 165, a distance of 577.60 feet to the **POINT OF BEGINNING**, containing 0.336 acre (14629.01 square feet) of land, more or less.

(This description is based upon a survey made on the ground under my direct supervision on December 5, 2013 and is being submitted along with a survey plat showing the property and facts found as described herein. All bearings are based upon the Texas Coordinate System of 1983 (CORS), South Central Zone '4204' (US Survey foot). All distances and acreages are surface with a combined adjustment factor of 1.00007 applied.)


Registered Professional Land Surveyor



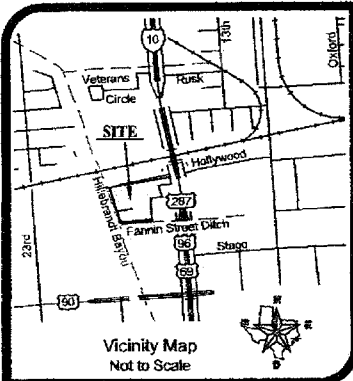
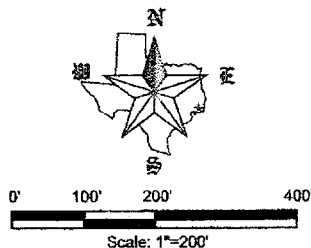
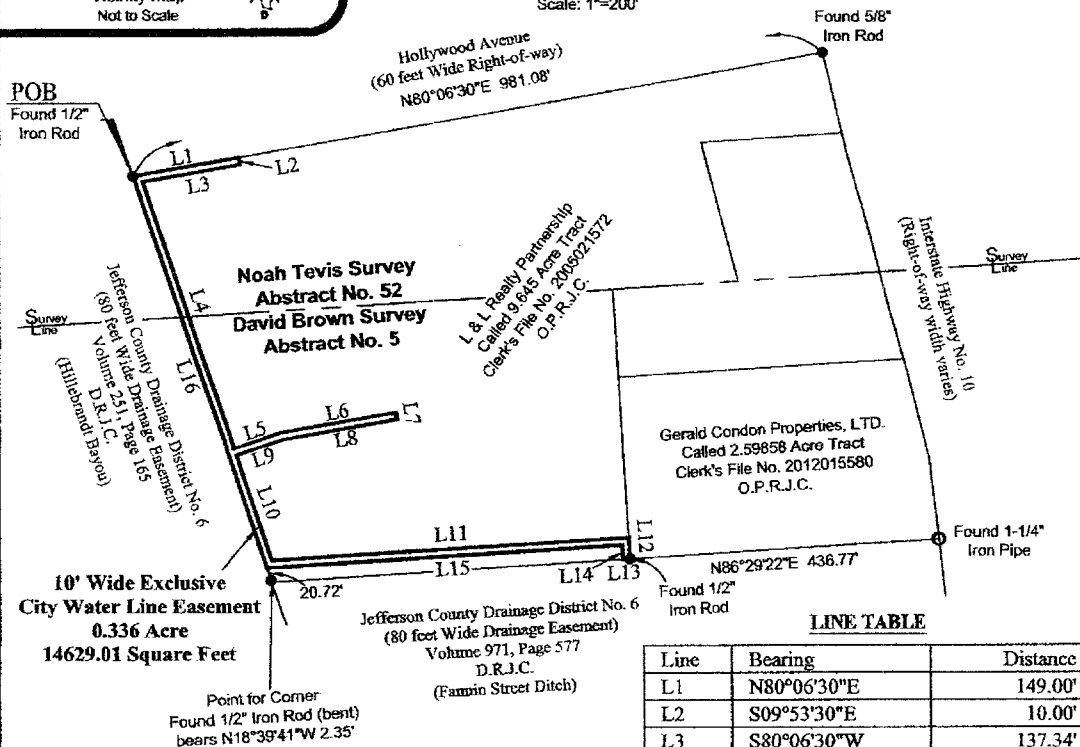


EXHIBIT "A" Page 3 of 3 0.304 Acre Exclusive City Water Line Easement



Abbreviations

No.	Number
POB	Place of Beginning
O.P.R.J.C.	Official Public Records of Jefferson County
D.R.J.C.	Deed Records of Jefferson County



LINE TABLE

Line	Bearing	Distance
L1	N80°06'30"E	149.00'
L2	S09°53'30"E	10.00'
L3	S80°06'30"W	137.34'
L4	S18°39'41"E	392.65'
L5	N71°26'29"E	69.76'
L6	N80°03'21"E	161.46'
L7	S09°56'39"E	10.00'
L8	S80°03'21"W	160.71'
L9	S71°26'29"W	68.99'
L10	S18°39'41"E	155.65'
L11	N86°29'22"E	497.51'
L12	S03°26'11"E	30.00'
L13	S86°33'49"W	10.00'
L14	N03°26'11"W	19.99'
L15	S86°29'22"W	495.15'
L16	N18°39'41"W	577.60'

Notes:

All bearings are based upon the Texas Coordinate System of 1983 (CDRS), South Central Zone '4204' (US Survey Foot). All distances and acreages are surface with a combined adjustment factor of 1.00007 applied.

Submitting Information:
Del Papa Distributing Co., Inc.
Beaumont, Texas 77707
Attn: Bill Falkenhagen 409-617-0990

Site Address:
410 IH 10 South
Beaumont, Texas 77707

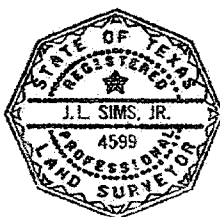
NOTICE:

The findings and opinions of WORTECH Land Surveyors, Inc. reflected herein are privileged, confidential and intended only for the use of the individual or entity for whom this work was prepared. It is understood that the use of, reliance on, or reproduction of same, in whole or in part, by others without the express written consent of WORTECH Land Surveyors, Inc. is prohibited and without warranty, express or implied. WORTECH Land Surveyors, Inc. shall be held harmless against any damages or expenses resulting from such unauthorized use, reliance or reproduction. Copyright 2013. All rights reserved.

Job No.	2013-096
Field Book:	
Dr. By:	KLK, TLM
Date:	12/13/13
Rev. No.	1 - Final Issue

WORTECH
LAND SURVEYORS, INC.
Texas Firm Registration No. 10105600
1480 Cornerstone Court
Beaumont, Texas 77706
Tel: 409.866.9769
Fax: 409.866.7075
www.wortech.com

Revised 2/13/14

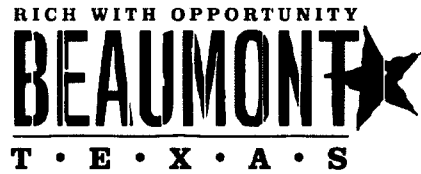


This document not valid without original seal and signature of person certifying

Surveyor's Certification

The undersigned does hereby certify that this survey plat accurately represents an on the ground survey made under my direct supervision on December 5, 2013 and is being submitted along with the surveyor's field note description of the property shown hereon, which lies in Jefferson County, Texas.

J.L. Sims, Jr.
Registered Professional Land Surveyor



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: ^{PD} Patrick Donart, Public Works Director

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider a resolution authorizing the acceptance of a ten foot (10') wide Non-Exclusive Water Line Easement.

BACKGROUND

Quality Mat Company has agreed to convey a ten foot (10') wide non-exclusive Water Line Easement to the City of Beaumont. The easement is described as being a 948.42 sq foot acre tract out of the J. W. Bullock League, Abstract No. 7. The water line easement is for the construction of a new building for ITI Logistics located at 4925 West Cardinal Drive.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, Quality Mat Company has agreed to convey a ten foot (10') wide non-exclusive water line easement, said easement being a 948.42 sq. foot acre tract out of the J.W. Bullock League, Abstract No. 7, as described in Exhibit 1 and shown on Exhibit 2, attached hereto, to the City of Beaumont for the purpose of facilitating the construction of a new building for ITI Logistics, LLC located at 4925 West Cardinal Drive; and,

WHEREAS, the City Council has considered the purpose of said conveyance and is of the opinion that the acceptance of said conveyance is necessary and desirable and that same should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the ten foot (10') non-exclusive water line easement conveyed by Quality Mat Company, being a 948.42 sq. foot acre tract out of the J.W. Bullock League, Abstract No. 7, as described in Exhibit 1 and shown on Exhibit 2, attached hereto, be and the same is hereby, in all things, accepted for the stated purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames -

X

COUNTY OF JEFFERSON

X

the same as permitted by law.

GRANTOR agrees not to place any structures or appurtenances within the Easement Property that will interfere with Grantee's ability to exercise the Easement Rights.

Grantee shall not be responsible for the repair and replacement of any paving or other structures within the Easement Property.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said CITY OF BEAUMONT, its successors and assigns forever.

EXECUTED this _____ day of _____, 2014.

GRANTOR:

QUALITY MAT COMPANY

By: _____

Printed Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS X

COUNTY OF JEFFERSON X

BEFORE ME, the undersigned authority, on this day personally appeared _____ as _____ of **QUALITY MAT COMPANY,** known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2014.

Notary Public, State of Texas

RETURN TO: City of Beaumont
Antoinette Hardy - Engineering
P. O. Box 3827
Beaumont, TX 77704

Ronald D. Fittz, P.E., R.P.L.S. (1948-1987)
Terry G. Shipman, P.E., Chairman
Billy J. Smith, Jr., President

Consulting Engineers and Land Surveyors
Donald R. King, P.E.
Walter J. Ksiazek, R.P.L.S.

**EXHIBIT A, PAGE 1 OF 3
CENTERLINE DESCRIPTION
FOR A
10' WIDE NON-EXCLUSIVE
WATER LINE EASEMENT
OUT OF THE
J. W. BULLOCK LEAGUE, ABSTRACT 7
JEFFERSON COUNTY, TEXAS
DECEMBER 12, 2013
REVISED: JANUARY 21, 2014**

That certain centerline of a 10' wide non-exclusive water line easement, 5' on each side of the centerline, out of the J. W. Bullock League, Abstract 7, Jefferson County, Texas, and being across a called 3.070 acre tract conveyed to Community Bank & Trust, SSB as Custodian for Quality Mat Company as recorded in Clerks File No. 2003053108 of the Official Public Records of Jefferson County, Texas, said centerline being more particularly described by the courses and distances as follows:

Note: Bearings are referenced to the northeasterly line of a called 3.473 acre tract conveyed to ITI Logistics, LLC as recorded in Clerks File No. 2013029748 of the Official Public Records of Jefferson County, Texas having been called North 57°37'40" West 238.10 feet.

COMMENCING at ½" iron pipe found in the southwesterly right-of-way line of W. Cardinal Drive for the northwest corner of a called 1.9947 acre tract conveyed to Twin-Nguyen Holdings, LLC as recorded in Clerks File No. 2012033525 of the Official Public Records of Jefferson County, Texas and the northeast corner of the said 3.473 acre tract;

THENCE South 00°32'54" West along the west line of the said 1.9947 acre tract and a portion of called 2.1536 acre tract conveyed to Jarra, Inc. as recorded in Clerks File No. 2013007807 of the Official Public Records of Jefferson County, Texas being the east line of the said 3.473 acre tract a distance of 409.53 feet (called South 00°23'38" West 409.50 feet) to a ½" iron rod found for the northeast corner of the said 3.070 acre tract and the southeast corner of the said 3.473 acre tract;

THENCE North 89°36'38" West along the south line of the said 3.473 acre tract and the north line of the said 3.070 acre tract a distance of 10.00 feet to a point for the for the **POINT OF BEGINNING** of the said centerline of the 10' wide non-exclusive water line easement from which a ½" iron rod found for the northwest corner of the said 3.070 acre tract and the

Fittz & Shipman, Inc.

Page 1 of 2
Project No. 13116WtrEsmt2
Plat & Description

EXHIBIT A, PAGE 2 OF 3

southwest corner of the said 3.473 acre tract bears North 89°36'38" West 290.11 feet (called North 89°44'07" West).

THENCE South 00°32'54" West along the said centerline a distance of 94.37 feet to an along point;

THENCE South 89°26'16" East continuing along the said centerline a distance of 10.05 feet to a point in the west line of the said 2.1536 acre tract and the east line of the said 3.070 acre tract for the **POINT OF TERMINATION** of the said centerline of the 10 wide non-exclusive water line easement.

This description is based on a survey and plat made by Fittz & Shipman, Inc. during October 2013.


Walter J. Ksiazek
Registered Professional Land Surveyor No. 5321



Fittz & Shipman, Inc.

Page 2 of 2

Project No. 13116WtrEsmt2

Plat & Description

NOW OR FORMERLY
M.A. PHELAIN, II, TRUSTEE
CLERKS FILE NO. 2005072229, O.P.R.J.C.
(CALLED 4.510 ACRES)

(CALLED N 00°23'28" E 602.53)
N 00°33'44" E 602.67
GULF STATES UTILITIES COMPANY
VOL. 2088, PG. 288, D.R.J.C.
16' WIDE EASEMENT

NOW OR FORMERLY
McFADDIN WARD FND #651
TAX #027350-000-001200-00000-3
(CALLED 5.73 ACRES)

GULF STATES UTILITIES COMPANY
VOL. 2387, PG. 449, D.R.J.C.
16' WIDE EASEMENT

ITI LOGISTICS, LLC
CLERKS FILE NO. 2013029748, O.P.R.J.C.
(CALLED 3.473 ACRES)

NOW OR FORMERLY
COMMUNITY BANK & TRUST,
SSB AS CUSTODIAN FOR
QUALITY MAT COMPANY
CLERKS FILE NO. 2003053108, O.P.R.J.C.
(CALLED 3.070 ACRES)

NOW OR FORMERLY
TWIN-NGUYEN HOLDINGS, LLC
CLERKS FILE NO. 2012035525, O.P.R.J.C.
(CALLED 1.9947 ACRES)

NOW OR FORMERLY
JARRA, INC.
CLERKS FILE NO. 2013007807, O.P.R.J.C.
(CALLED 2.1536 ACRES)



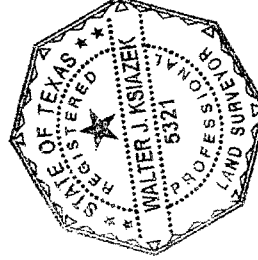
4925 W. CARDINAL DRIVE
(CALLED N 57°37'40" W 238.04)
(BASIS OF BEARINGS)
234.14

COMMENCING
POINT
FOUND 1/2"
IRON ROD
27' ROAD ABANDONMENT
SEWER EASEMENT
VOL. 1149, PG. 525, D.R.J.C.

POINT OF BEGINNING
NON-EXCLUSIVE 10' WIDE
WATER LINE EASEMENT

CENTERLINE
NON-EXCLUSIVE 10' WIDE
WATER LINE EASEMENT

POINT OF TERMINATION
NON-EXCLUSIVE 10' WIDE
WATER LINE EASEMENT



SURVEYOR'S CERTIFICATION:
I DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF,
THAT THIS IS AN ACCURATE AND TRUE PLAT OF A SURVEY & DESCRIPTION MADE
ON THE GROUND UNDER MY SUPERVISION DURING OCTOBER 2013.

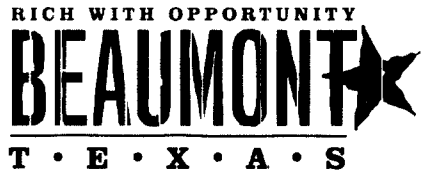
Walter J. Ksiazek
WALTER J. KSIAZEK
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5321

10' WIDE NON-EXCLUSIVE WATER LINE EASEMENT

PROJECT NAME: QUALITY MAT COMPANY
4680 FANNETT ROAD
BEAUMONT, TEXAS

REVISOR: 1-21-14
DATE: 12-12-13

SHEET NO. 3
PROJECT NO. 13116



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Patrick Donart, ^{PD}Public Works Director

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider a resolution authorizing the acceptance of a ten foot (10') wide Non-Exclusive Water Line Easement.

BACKGROUND

ITI Logistics, LLC has agreed to convey a ten foot (10') wide non-exclusive Water Line Easement to the City of Beaumont. The easement is described as being a 4709.59 sq foot acre tract out of the J. W. Bullock League, Abstract No. 7. The water line easement is for the construction of a new building at 4925 West Cardinal Drive.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, ITI Logistics, LLC has agreed to convey a ten foot (10') wide non-exclusive water line easement, said easement being a 4709.59 sq. foot acre tract out of the J.W. Bullock League, Abstract No. 7, as described in Exhibit 1 and shown on Exhibit 2, attached hereto, to the City of Beaumont for the purpose of facilitating the construction of a new building located at 4925 West Cardinal Drive; and,

WHEREAS, the City Council has considered the purpose of said conveyance and is of the opinion that the acceptance of said conveyance is necessary and desirable and that same should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the ten foot (10') non-exclusive water line easement conveyed by ITI Logistics, LLC, being a 4709.59 sq. foot acre tract out of the J.W. Bullock League, Abstract No. 7, as described in Exhibit 1 and shown on Exhibit 2, attached hereto, be and the same is hereby, in all things, accepted for the stated purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames -

the same as permitted by law.

GRANTOR agrees not to place any structures or appurtenances within the Easement Property that will interfere with Grantee's ability to exercise the Easement Rights.

Grantee shall not be responsible for the repair and replacement of any paving or other structures within the Easement Property.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said CITY OF BEAUMONT, its successors and assigns forever.

EXECUTED this _____ day of _____, 2014.

GRANTOR:

ITI LOGISTICS, LLC

By: _____

Printed Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS X

COUNTY OF JEFFERSON X

BEFORE ME, the undersigned authority, on this day personally appeared _____ as _____ of **ITI LOGISTICS, LLC**, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2014.

RETURN TO: City of Beaumont
Antoinette Hardy - Engineering
P. O. Box 3827
Beaumont, TX 77704

Notary Public, State of Texas

Ronald D. Fittz, P.E., R.P.L.S. (1948-1987)
Terry G. Shipman, P.E., Chairman
Billy J. Smith, Jr., President

Consulting Engineers and Land Surveyors
Donald R. King, P.E.
Walter J. Ksiazek, R.P.L.S.

**EXHIBIT A, PAGE 1 OF 3
CENTERLINE DESCRIPTION
FOR A
10' WIDE NON-EXCLUSIVE
WATER LINE EASEMENT
OUT OF THE
J. W. BULLOCK LEAGUE, ABSTRACT 7
JEFFERSON COUNTY, TEXAS
DECEMBER 12, 2013
REVISED: JANUARY 21, 2014**

That certain centerline of a 10' wide non-exclusive water line easement, 5' on each side of the centerline, out of the J. W. Bullock League, Abstract 7, Jefferson County, Texas, and being across a called 3.473 acre tract conveyed to ITI Logistics, LLC as recorded in Clerks File No. 2013029748 of the Official Public Records of Jefferson County, Texas, said centerline being more particularly described by the courses and distances as follows:

Note: Bearings are referenced to the northeasterly line of the said 3.473 acre tract having been called North 57°37'40" West 238.10 feet.

COMMENCING at ½" iron rod found in the southwesterly right-of-way line of W. Cardinal Drive for the northwest corner of a called 1.9947 acre tract conveyed to Twin-Nguyen Holdings, LLC as recorded in Clerks File No. 2012033525 of the Official Public Records of Jefferson County, Texas and the northeast corner of the said 3.473 acre tract;

THENCE North 57°37'40" West along the said southwesterly right-of-way line of W. Cardinal Drive and the northeasterly line of the said 3.473 acre tract a distance of 4.62 feet (called North 57°37'40" West) to a point for the **POINT OF BEGINNING** of the said centerline of the 10' wide non-exclusive water line easement from which a concrete monument found in the said northeasterly line of the 3.473 acre tract bears North 57°37'40" West 234.14 feet (called North 57°37'40" West);

THENCE South 32°27'41" West along the said centerline a distance of 11.50 feet to an angle point;

THENCE South 00°32'54" West continuing along the said centerline a distance of 402.23 feet to a point in the north line of a called 3.070 acre tract conveyed to Community Bank & Trust, SSB as Custodian for Quality Mat Company as recorded in Clerks File No. 2003053108 of the Official Public Records of Jefferson County, Texas and the south line of the said 3.473 acre

Fittz & Shipman, Inc.

Page 1 of 2
Project No. 13116WtrEsmt1
Plat & Description

EXHIBIT A, PAGE 2 OF 3

tract for the **POINT OF TERMINATION** of the said centerline of the 10 wide non-exclusive water line easement from which a 1/2" iron rod found in the west line of a called 2.1536 acre tract conveyed to Jarra, Inc. as recorded in Clerks File No. 2013117807 of the Official Public Records of Jefferson County, Texas for the northeast corner of the said 3.070 acre tract and the southeast corner of the said 3.473 acre tract bears South 89°36'38" East 10.00 feet (called South 89°44'07" East) and from which a 1/2" iron rod found for the northwest corner of the said 3.070 acre tract and the southwest corner of the said 3.473 acre tract bears North 89°36'38" West 290.11 feet (called North 89°44'07" West).

This description is based on a survey and plat made by Fittz & Shipman, Inc. during October 2013.


Walter J. Ksiazek
Registered Professional Land Surveyor No. 5321

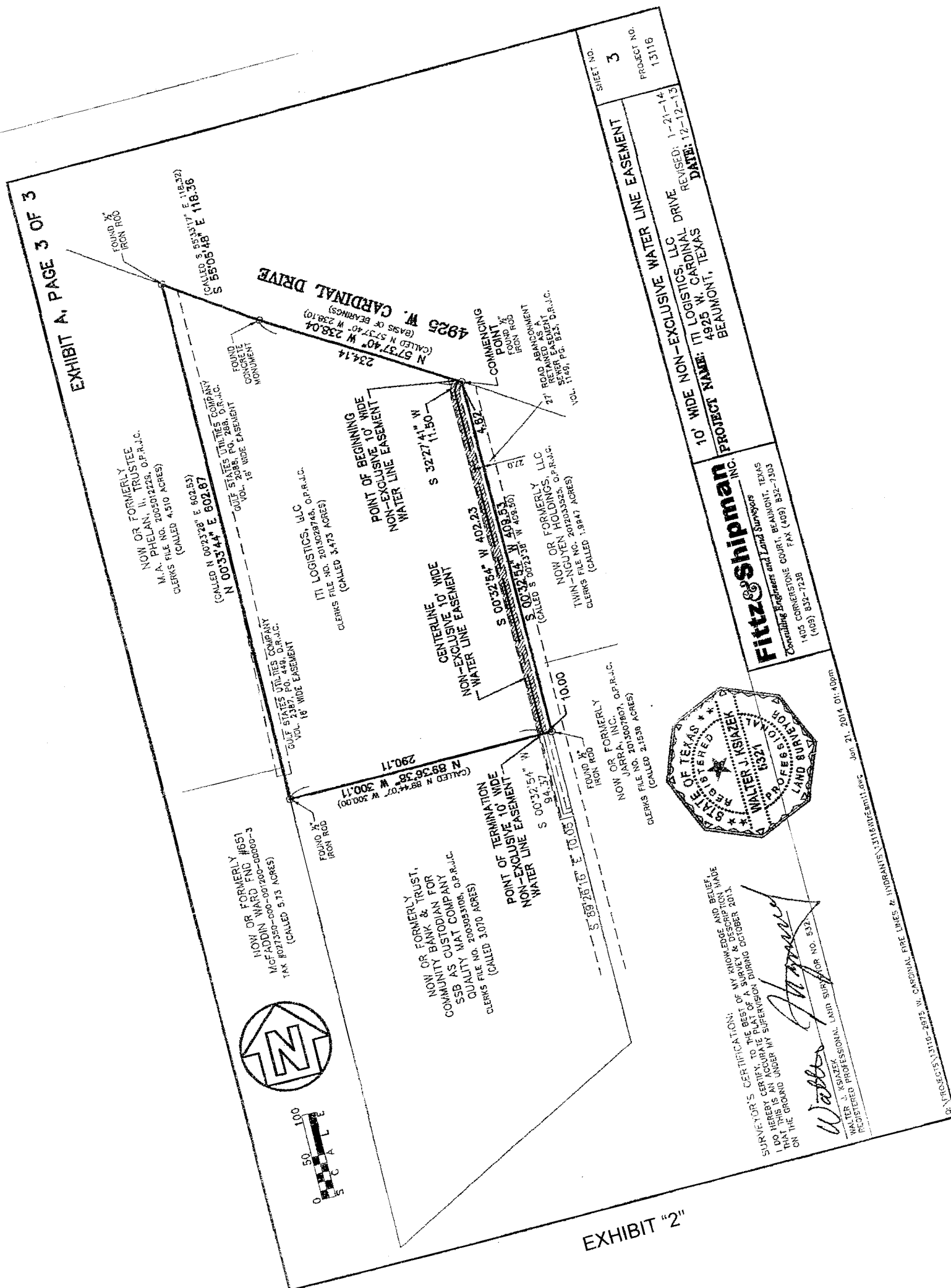


Fittz & Shipman, Inc.

Page 2 of 2

Project No. 13116WtrEsmt1

Plat & Description



NOW OR FORMERLY
 TRUSTEE
 PHELAN, W. 2229. O.P.J.C.
 M.A. FILE NO. 200501229.
 (CALLED 4,510 ACRES)

CO-33'44" E 602.87
CALLED N 00'23'28" E 602.53)

ITL LOGISTICS, LLC
171 LOGISTICS, LLC, O.P.R.J.C.
FILE NO. 2013028718,
CLERKS (CALLED 3,473 ACRES)

NOW OR FORMERLY #651
NOW OR WARD FNC #000-3
MCFADDIN 000-001200-00000-3
TAX #027350-000-001200-00000-3
(CALLED 5.73 ACRES)

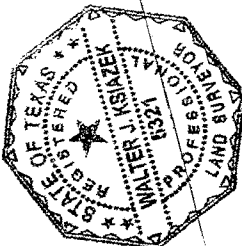
NOW OR FORMERLY
COMMUNITY BANK & TRUST,
AS CUSTODIAN FOR
SSB AS CUSTODIAN COMPANY
QUALITY MAT COMPANY
CLERKS FILE NO. 2003053108, O.P.R.J.C.
(CALLED 3.070 ACRES)

QUAD # 002338
NOR OR FORMERLY LLC
NOW OR NGUYEN HOLDINGS, O.P.R.G.
TWIN-NGUYEN 2012033525
CLERKS FILE NO. 19A7 ACRES

FOUR ROD
IRON ROD
NOW OR FORMERLY
JARRA, INC.
CLERK'S FILE NO. 2013007807, O.P.R.J.C.
(CALLED 2.1538 ACRES)

10' WIDE NON-EXCLUSIVE DRIVE
PROJECT NAME: ITI LOGISTICS, LLC
4925 W. CARDINAL
BEAUMONT, TEXAS
REVISED: 1-21-14
DATE: 12-12-13

Fittz & Shipman
INC.
and Land Surveyors
HOUSTON, TEXAS



SURVEYOR'S CERTIFICATION:
 I DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS IS AN ACCURATE PLAT OF SURVEY & DESCRIPTION MADE ON THE GROUND UNDER MY SUPERVISION DURING OCTOBER, 2013.

Walter J. Ksiazek
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 532



**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS FEBRUARY 25, 2014 1:30 P.M.**

AGENDA

CALL TO ORDER

- * Invocation Pledge Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 2-5/Consent Agenda
- * Consent Agenda

GENERAL BUSINESS

1. Consider an ordinance approving a specific use permit to allow a day care center and boarding kennel for dogs in a GC-MD (General Commercial-Multiple Family Dwelling) District at 6875 Eastex Freeway
2. Consider an ordinance abandoning the alley in Block 4, Glover Anderson Addition between Avenue B and SP Road, just north of W. Lavaca Street
3. Consider an ordinance denying the rate increase of Entergy Texas, Inc. filed on September 25, 2013; setting just and reasonable rates for Entergy Texas, Inc. for service within the City of Beaumont
4. Consider a resolution authorizing the City Manager to execute a wastewater service agreement with the City of Bevil Oaks
5. Consider a resolution approving the naming of the North End Community Center, located at 3580 E. Lucas, in honor of Judge John Paul Davis

PUBLIC HEARING

- * Dangerous Structures
6. Consider an ordinance declaring certain structures to be dangerous structures and ordering their removal within 10 days or authorizing the property owner to enroll the dangerous structure in a work program

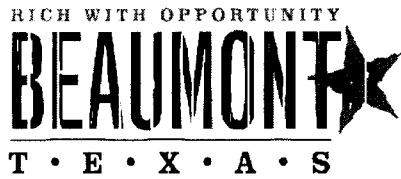
COMMENTS

- * Councilmembers/City Manager comment on various matters
- * Public Comment (Persons are limited to 3 minutes)

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Mitchell Normand at 880-3777 three days prior to the meeting.

February 25, 2014

Consider an ordinance approving a specific use permit to allow a day care center and boarding kennel for dogs in a GC-MD (General Commercial-Multiple Family Dwelling) District at 6875 Eastex Freeway



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Director of Planning and Community Development

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider an ordinance approving a specific use permit to allow a day care center and boarding kennel for dogs in a GC-MD (General Commercial-Multiple Family Dwelling) District at 6875 Eastex Freeway.

BACKGROUND

Irene Torbett has applied for a specific use permit.

The applicant states that her business, Planet Canine, will provide dog daycare, overnight stays, grooming and obedience training. Adequate measures will be taken to ensure that odors and noise are held to a minimum.

The proposed business will be located in an existing ±2310 sq. ft. building.

It should be noted that the business owner unknowingly opened without permits. Approval of this specific use permit would allow for the business to continue operation at this site, subject to all other codes and ordinances.

At a Joint Public Hearing held February 17, 2014, the Planning Commission recommended 7:0 to approve a specific use permit to allow a day care center and boarding kennel for dogs in a GC-MD District at 6875 Eastex Freeway.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of ordinance.

**SPECIFIC USE PERMIT APPLICATION
BEAUMONT, TEXAS**

(Chapter 23, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME: Irene Torbett / Planet Canine

APPLICANT'S ADDRESS: 6875 Eastex Freeway, Beaumont, Texas 77706

APPLICANT'S PHONE #: 409-392-3647 FAX #: NA

NAME OF OWNER: Michael Trapasso

ADDRESS OF OWNER: 4635 Arthur Lane, Beaumont, Texas 77706

LOCATION OF PROPERTY: 6875 Eastex Freeway, Beaumont, Texas 77706

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. 0.7228 Acres out of Lot 4 OR TRACT _____

BLOCK NO. 5 PLAT _____

ADDITION A Replat of Rosedale Subdivision SURVEY _____

NUMBER OF ACRES 0.7228 NUMBER OF ACRES _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.

PROPOSED USE: Day Care Center for Dogs (Kennel) ZONE: GC-MD

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN drawn to scale with the information listed on the top back side of this sheet.

ATTACH A REDUCED 8 1/2" X 11" PHOTOCOPY OF THE SITE PLAN.

THE EIGHT CONDITIONS listed on the back side of this sheet must be met before City Council can grant a specific use permit. PLEASE ADDRESS EACH CONDITION IN DETAIL.

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN 1/4 ACRE.....	\$250.00
1/4 ACRE OR MORE AND LESS THAN 5 ACRES.....	\$450.00
5 ACRES OR MORE.....	\$650.00

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council.

SIGNATURE OF APPLICANT: Irene Torbett DATE: 1/27/2014

SIGNATURE OF OWNER: Michael Trapasso (IF NOT APPLICANT) DATE: 1/27/2014

PLEASE TYPE OR PRINT AND SUBMIT TO:

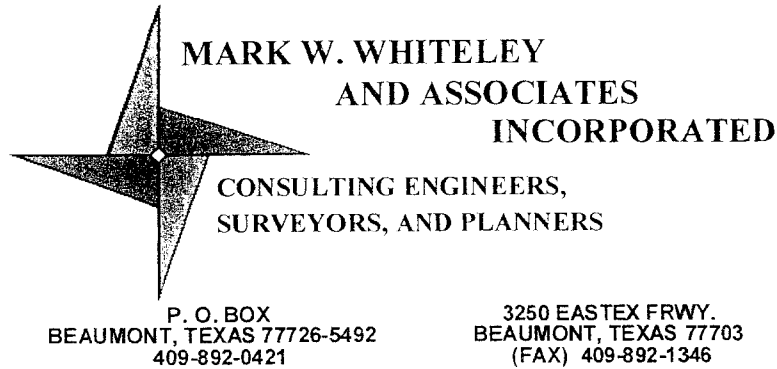
CITY OF BEAUMONT
PLANNING DIVISION
301 MAIN STREET, ROOM 101
BEAUMONT, TX 77701

FILE NUMBER: 2195.P

DATE RECEIVED: 1/29/14

Phone - (409) 330-3764
Fax - (409) 330-3133

PLEASE MAKE NOTE ON REVERSE SIDE OF CONDITIONS TO BE MET REGARDING THE SITE PLAN AND LETTER OF PROPOSED USES AND ACTIVITIES.



January 27, 2014

City of Beaumont
Planning Division
801 Main Street, Room 201
Beaumont, Texas 77701

ATTN.: Chris Boone, Director

REF.: Specific Use Permit
6875 Eastex Freeway
Beaumont, Texas

Dear Mr. Boone:

Attached is the "Specific Use Permit" Application and survey plat for the above referenced property. Irene Torbett is the applicant. The proposed business will be called Planet Canine. Ms. Torbett proposes to use the existing building for a day care center for dogs with the capacity to overnight board dogs. Also the business will offer grooming, bathing and training of dogs.

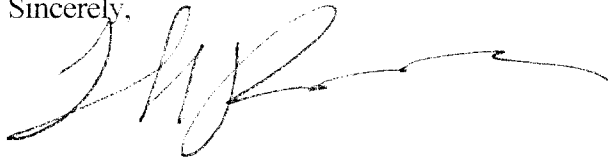
Regarding the eight conditions that must be met for the "Specific Use Permit", we offer the following comments:

- The use of this property will be compatible with and not injurious to the use and enjoyment of other property. Adjoining properties are commercial use facilities.
- The proposed use of this property will not impede the normal and orderly development and improvement of the surrounding vacant property. The building to be used is an existing building.
- There are adequate utilities, access roads, drainage and other necessary supporting facilities. No improvements in regards to these items are proposed.
- There is an existing driveway that is proposed to be used. Additional parking will be constructed. The existing driveway and proposed parking provides safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public and adjacent development.

- There will be no offensive odor, fumes, dust, noise or vibration from the proposed use of the facility.
- There is no proposed directional lighting.
- Landscaping will be added along Eastex Freeway along with a proposed tree in the parking lot. This will insure harmony and compatibility with adjacent property.
- The proposed use is in accordance to the Comprehensive Plan.

Your review and earliest approval of this application is greatly appreciated. If you have any questions or need additional information, please call. I remain

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Rowe', with a long horizontal flourish extending to the right.

Thomas S. Rowe, P.E., RPLS
Vice President

ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A DAY CARE CENTER AND BOARDING KENNEL FOR DOGS IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 6875 EASTEX FREEWAY IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, Irene Torbett has applied for a specific use permit to allow a day care center and boarding kennel for dogs in a GC-MD (General Commercial-Multiple Family Dwelling) District at 6875 Eastex Freeway, being the East ½ of Lot 4, Block 5, Rosedale Addition, City of Beaumont, Jefferson County, Texas, containing 0.71 acres, more or less, as shown on Exhibit "A," attached hereto; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request and is recommending approval of a specific use permit to allow a day care center and boarding kennel for dogs in a GC-MD (General Commercial-Multiple Family Dwelling) District at 6875 Eastex Freeway; and,

WHEREAS, the City Council is of the opinion that the issuance of such specific use permit is in the best interest of the City of Beaumont and its citizens;

NOW, THEREFORE, BE IT ORDAINED

BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1.

That a specific use permit to allow a day care center and boarding kennel for dogs in a GC-MD (General Commercial-Multiple Family Dwelling) District at 6875 Eastex Freeway, being the East ½ of Lot 4, Block 5, Rosedale Addition, City of Beaumont,

Jefferson County, Texas, containing 0.71 acres, more or less, as shown on Exhibit "A," attached hereto, is hereby granted to Irene Torbett, her legal representatives, successors and assigns, as shown on Exhibit "B," attached hereto and made a part hereof for all purposes.

Section 2.

That the specific use permit herein granted is expressly issued for and in accordance with each particular and detail of the site plan attached hereto as Exhibit "B" and made a part hereof for all purposes.

Section 3.

Notwithstanding the site plan attached hereto, the use of the property herein above described shall be in all other respects subject to all of the applicable regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended, as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames -

File 2195-P: Request to consider a request for a specific use permit to allow a day care center and boarding kennel for dogs in a GC-MD (General Commercial-Multiple Family Dwelling) district.
Location: 6875 Eastex Freeway
Applicant: Irene Torbett

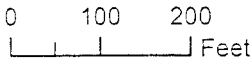


EXHIBIT "A"

SCALE 1"=30'

TRACT TWO
PAM PROPERTIES, LLC
CF. NO. 2008003828
OPRJC

CALLED 0.4564 ACRES
THOMAS ANDREW MORRELL
CF. NO. 2013005435
OPRJC

LOOPY N. AETA
CF. NO. 102-37-0744
OPRJC

FND 5/8"
1. ROD

(CALL 589°10'59"W 122.78')
FND 5/8"
1. ROD

FND 5/8"
1. ROD

0.12'

0.96'

CALLLED 0.4 ACRE
THOMAS ANDREW MORRELL
CF. NO. 103-38-1991
OPRJC

REFERENCE BEARING
(CALL 500°37'00"E 200.08')
FND 500°37'00"E 200.08'

139.69'

FND 000°37'00"W 316.29'
(CALL 000°37'00"W 315.80')

6875 EASTEX FREEWAY
BEAUMONT, TEXAS 77708

A Portion of the East 1/2 of Lot 4,
Block 5 of A Replat of Rosedale Subdivision
located in the Thomas Spear and
A. Duwe Survey, Jefferson County, Texas.

Client: Evelyn Irene Torbett

Census: J.08

In accordance with the Flood Hazard Boundary
Map, Department of Housing and Urban
Development.

Community No.: 485437

Panel No.: 0030 C

Date of FIRM: 8-6-02

This property lies in Zone "X" (white).
Location on map determined by scale
on map. Actual field elevation not
determined. Mark W. Whiteley and
Associates does not warrant nor
subscribe to the accuracy or scale
of said maps.

Zone "X" (white) are areas determined to be
outside 500-year flood plain.

FND 551°31'00"E 34.61'
(CALL 551°31'00"E 34.61')

FND FENCE POST
FOR CORNER
FND 5/8" 1. ROD BEARS
S48°13'44"E 0.48'

PROPOSED 6'
LANDSCAPE BUFFER

PROPOSED 3'
SHRUBS

CALC. CORNER

FND 0.7228 ACRES
MICHAEL TRAPASSO
CF. NO. 2000002179
OPRJC

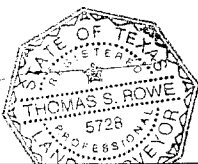
CALLLED 0.484 ACRE
BEAUMONT AREA EDUCATORS
FEDERAL CREDIT UNION
CF. NO. 97-9735647
OPRJC

TO THE OWNERS OF THE PREMISES SURVEYED
AS OF THE DATE OF THE SURVEY:

I, THOMAS S. ROWE DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY
MADE ON THE SURFACE OF THE GROUND OF THE PROPERTY LEGALLY DESCRIBED
HEREON AND CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME
OF THE SURVEY.

DATE SURVEYED: JANUARY 23, 2014

THS



THOMAS S. ROWE -- REGISTERED PROFESSIONAL LAND SURVEYOR No. 5728

MARK W. WHITELEY
AND ASSOCIATES
INCORPORATED
CONSULTING ENGINEERS,
SURVEYORS, AND PLANNERS
T.B.P.L.S. FIRM NO. 10106700

P. O. BOX 5402
BEAUMONT, TEXAS 77706-5402
409-892-0421

3250 EASTEX FREEWAY
BEAUMONT, TEXAS 77703
(FAX) 409-892-1346

NOTE:

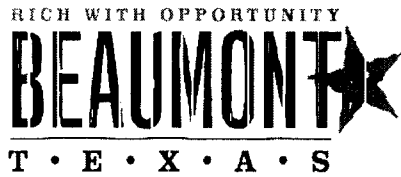
1. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
2. THE WORD CERTIFY IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, FORMED IN THE COURSE OF HIS PERFORMING THE SURVEY IN COMPLIANCE WITH THE STANDARDS OF PRACTICE REQUIRED AND PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS AND THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS. AS SUCH, IT CONSTITUTES NEITHER A GUARANTEE NOR A WARRANTY, EXPRESSED OR IMPLIED.
3. ALL CALLED BEARING AND DISTANCES ARE REFERENCED TO PRIOR SURVEY PREPARED FOR THIS TRACT BY GUY A. STONECIPER, JR. DATED APRIL 7, 1987.
4. BEARINGS ARE REFERENCED TO THE EAST LINE OF THIS TRACT PER THE ABOVE REFERENCED SURVEY.

EXHIBIT "B"

\\2014\14-060\14-060.DWG\CPD

February 25, 2014

Consider an ordinance abandoning the alley in Block 4, Glover Anderson Addition between Avenue B and SP Road, just north of W. Lavaca Street



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Director of Planning and Community Development

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider an ordinance abandoning the alley in Block 4, Glover Anderson Addition between Avenue B and SP Road, just north of W. Lavaca Street.

BACKGROUND

Sherry S. Mack, Dependent Administrator of the Estate of William McKinley Mack, Sr., has applied for the abandonment of an alley.

The Estate is scheduled to sell the property, pending the abandonment of the alley. The alley divides the property as it consists of most of the adjoining lots , preventing it from being fenced, etc.

At a Regular Meeting held February 17, 2014, the Planning Commission recommended approval 7:0 of the abandonment.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of ordinance.

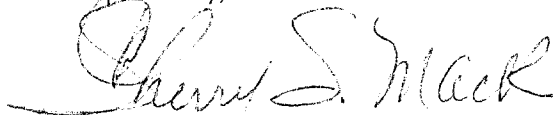
December 3, 2013

Dear Sirs:

My name is Sherry S. Mack and I reside at 4010 Avenue B, Beaumont, Texas. There is an alley way between Lots 3 and 5, B 4, Glover Anderson Addition, that I want to have abandoned. I own all the properties from Lot 1-3, and Lots 5 and 6. My property is ready to close out on a sale, if I successfully secure the abandonment of the 20' alley way.

Thanking you in advance for your cooperation.

Respectfully,

A handwritten signature in cursive script that reads "Sherry S. Mack". The signature is written in dark ink and is positioned above the printed name.

Sherry S. Mack/Owner

Dependent Administrator of the Estate of William McKinley Mack, Sr/Deceased
Husband

**APPLICATION FOR RIGHT-OF-WAY
OR UTILITY EASEMENT ABANDONMENT
CITY OF BEAUMONT, TEXAS**

THIS IS AN APPLICATION TO ABANDON A: RIGHT-OF-WAY (ROW), UTILITY EASEMENT (UE)
OR RIGHT-OF-WAY BUT RETAIN UTILITY EASEMENT.

NAME OF APPLICANT: SHERRY S. MACK PHONE: (409) 540 3578 FAX: _____

AUTHORITY OF
APPLICANT: ADMINISTRATOR OF ESTATE

NAME OF
OWNER: WILLIAM M. MACK, SR. (ESTATE)

ADDRESS: 4010 AVENUE B PHONE: (409) 839-4569 FAX: _____

ALL OWNERS ABUTTING THE ROW OR UE MUST SIGN WRITTEN REQUEST.
(PLEASE ATTACH PROPERTY OWNER'S LIST TO THE APPLICATION)

DESCRIPTION OF ROW OR UE TO BE
ABANDONED: ALLEY BETWEEN LOTS 2 AND 5 OF GLOVER -
ANDERSON ADDITION BLOCK 4
BEAUMONT - TARRANT COUNTY TEXAS

PRESENT USE OF ROW OR UE (LIST UTILITIES IF
PRESENT) YARD SPACE

ATTACH A LETTER STATING THE REASONS FOR THE ABANDONMENT.

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. ~~BETWEEN~~ LOT 2 & 5 ALLEY OR TRACT _____

BLOCK NO. 4 PLAT _____

ADDITION GLOVER - ANDERSON SURVEY YES

ATTACH A MAP OR PLAT DELINEATING THE PUBLIC ROW OR UE TO BE ABANDONED AND THE
LEGAL DESCRIPTION OF ADJACENT PROPERTY (DIMENSIONED AND TO ENGINEERING SCALE).

ATTACH THE \$300.00 APPLICATION FEE, THE ACTUAL COST OF NECESSARY APPRAISALS AND
TITLE COMMITMENTS. IF PROPERTY IS ABANDONED, APPRAISED VALUE OF THE FEE INTEREST
IN THE PROPERTY SHALL BE CHARGED.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS TRUE AND CORRECT.

SIGNATURE OF
APPLICANT: Sherry S. Mack DATE: 12/3/13

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 205
CITY HALL, 801 MAIN STREET
BEAUMONT, TX 77701
P.O. BOX 3827 77704
(409) 880-3764 FAX (409) 880-3133

FILE NUMBER: 894.0B
DATE RECEIVED: 12/5/13

NOTE: Please print or type your name and then use signature. Separate sheets may be used.

ORDINANCE NO.

ENTITLED AN ORDINANCE VACATING AND ABANDONING
AN ALLEY LOCATED IN BLOCK 4, GLOVER ANDERSON
ADDITION BETWEEN AVENUE B AND SP ROAD, JUST
NORTH OF W. LAVACA STREET, BEAUMONT, JEFFERSON
COUNTY, TEXAS.

WHEREAS, Sherry S. Mack, Dependent Administrator of the Estate of William McKinely Mack, Sr. has applied for an abandonment of an alley located in Block 4, Glover Anderson Addition between Avenue B and SP Road, just North of W. Lavaca Street, being the alley of Block 4, G. Anderson Addition, City of Beaumont, Jefferson County, Texas, as shown on Exhibit "A," attached hereto; and,

WHEREAS, the City Council has considered the purpose of said abandonment and is of the opinion that the alley is no longer necessary for municipal street purposes and the abandonment of said right-of-way is in the best interest of the City and should be granted;

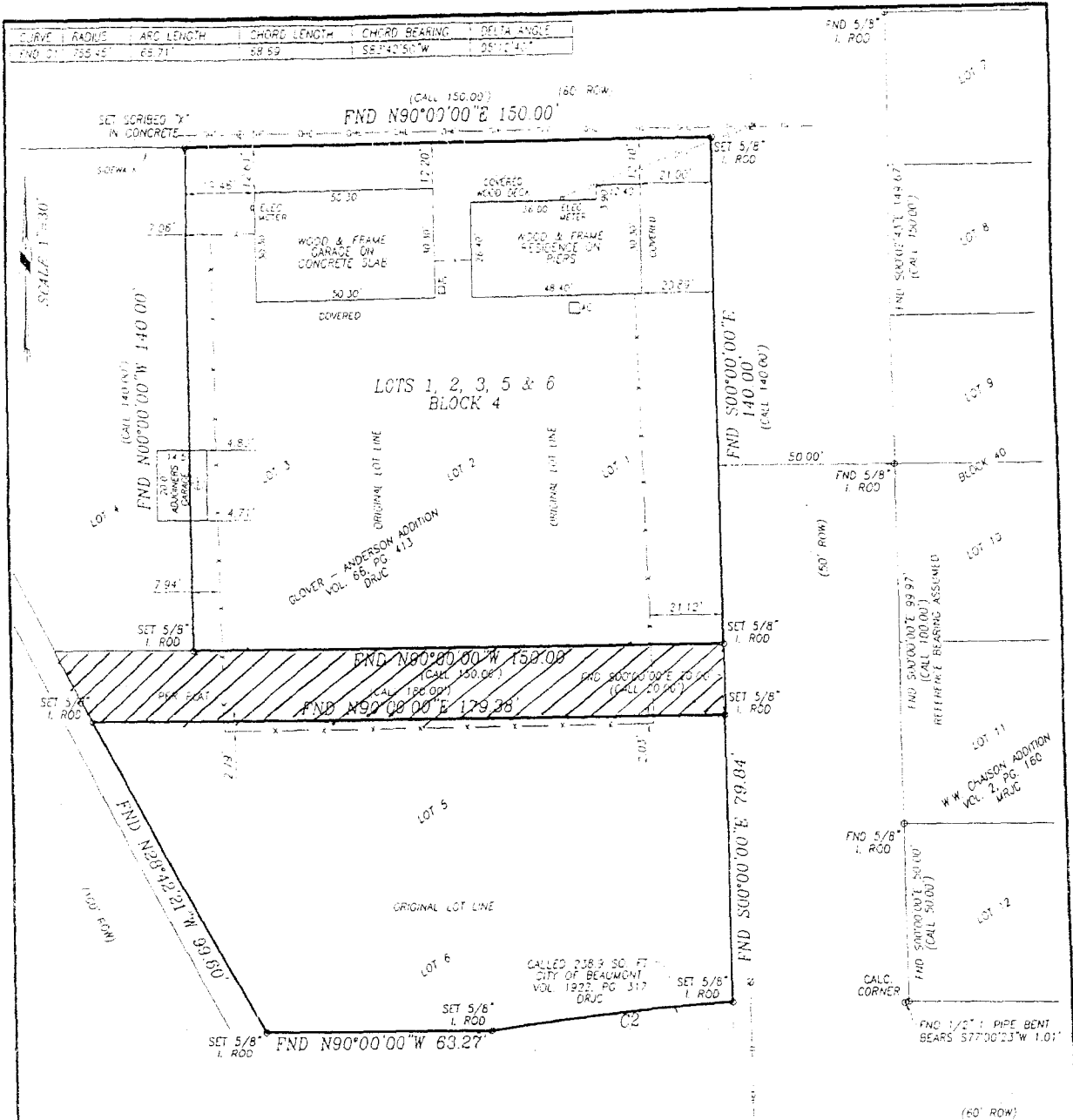
NOW, THEREFORE, BE IT ORDAINED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

THAT an alley located in Block 4, Glover Anderson Addition between Avenue B and SP Road, just North of W. Lavaca Street, being the alley of Block 4, G. Anderson Addition, City of Beaumont, Jefferson County, Texas, as shown on Exhibit "A," attached hereto, be and the same is hereby vacated and abandoned and that title to such property shall revert to and become the property of the persons entitled thereto by law.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of
February, 2014.

- Mayor Becky Ames -



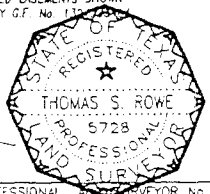
PROTRUSION NOTE
 1. ADVANCE GARAGE PROTRUSION FROM 4.71' TO 4.83' ONTO SUSPECT PROPERTY

SURVEYOR'S CERTIFICATION

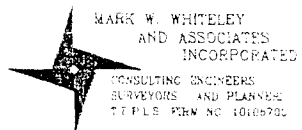
TO THE LEIHHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO STEWART TITLE GUARANTY COMPANY:
 THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHT-OF-WAYS, ON THE SURFACE OF THE GROUND EXCEPT AS SHOWN HEREON AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY. ALL RECORDED EASEMENTS SHOWN AND NOTED PER STEWART TITLE GUARANTY COMPANY OF No. 11.

DATE SURVEYED: NOVEMBER 22, 2013

Thomas S. Rowe



THOMAS S. ROWE - REGISTERED PROFESSIONAL SURVEYOR No. 5728



4010 AVENUE B
 BEAUMONT, TEXAS 77705

Lots Numbered One, Two, Three, Five, and Six (1, 2, 3, 5 & 6) in Block No. Four (4), of GLOVER - ANDERSON ADDITION, an Addition to the City of Beaumont, Jefferson County, Texas, according to the map or plat thereof recorded in Volume 65, Pages 412 & 413 of the Deed Records of Jefferson County, Texas, SAVE AND EXCEPT that portion of Lot 6 conveyed to the City of Beaumont, in Deed recorded in Volume 1922, Page 317 of the Deed Records of Jefferson County, Texas.

Owner: Davis L. Garay and Mary M. Garay

Census: 2000

in accordance with the Flood Hazard Boundary Map, Department of Housing and Urban Development

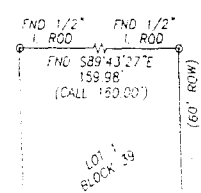
Community No.: 485457
 Panel No.: 0025 B
 Date of FIRMA: 8-6-02

This property lies in Zone "X" (white). Location on map determined by scale on map. Actual field elevation not determined. Mark W. Whiteley and Associates does not warrant nor subscribe to the accuracy or scale of said maps.

Zone "X" (white) are areas determined to be outside 500-year flood plain.

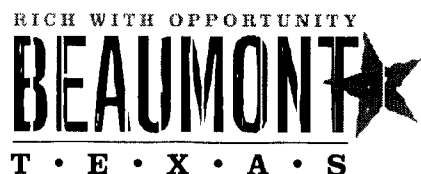
NOTE

1. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
2. THE WORD CERTAIN IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, FORMED IN THE COURSE OF HIS PERFORMING THE SURVEY IN COMPLIANCE WITH THE STANDARDS OF PRACTICE REQUIRED AND PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS AND THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS. AS SUCH, IT CONSTITUTES NEITHER A GUARANTEE NOR A WARRANTY, EXPRESSED OR IMPLIED.
3. ALL SET 5/8" IRON RODS SET WITH CAPS STAMPED "M.W. WHITELEY & ASSOCIATES".



February 25, 2014

Consider an ordinance denying the rate increase of Entergy Texas, Inc. filed on September 25, 2013; setting just and reasonable rates for Entergy Texas, Inc. for service within the City of Beaumont



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Tyrone E. Cooper, City Attorney

MEETING DATE: February 25, 2014

REQUESTED ACTION: To consider an ordinance denying the rate increase request of Entergy Texas, Inc. filed on September 25, 2013; setting just and reasonable rates for Entergy Texas, Inc. for service within the City of Beaumont.

BACKGROUND

On September 25, 2013, Entergy Texas, Inc., (Entergy) filed a Statement of Intent with the City of Beaumont to increase electric base rates in the Entergy Service Area by \$38.6 million per year together with two new surcharges for a total increase request of \$53.1 million per year. The City Council, on October 22, 2013, suspended the effective date of the requested increase until January 28, 2014. The effective date of the increase has been further extended by agreement to March 24, 2014. The suspension was authorized and the effective date extended in order to allow the Service Area Cities an opportunity to evaluate the requested increase.

The Steering Committee of Entergy Service Area Cities retained the Lawton Law Firm and other utility rate consultants to analyze the rate increase request. The rate consultants have determined that the request as presented is not justified and adjustments should be made. After discussions with Entergy representatives regarding the recommended adjustments, a negotiated settlement has been reached.

The proposed settlement provides for a base rate revenue increase of \$18.5 million annually as well as allowing for the implementation of two new surcharges. The two surcharges allow for a Rough Production Cost Equalization in an amount of \$11.4 million over a three year period and rate case expenses of an estimated \$5 million also charged over a three year period. The total amount of the resulting annual increase is \$24 million. As it is proposed a typical residential customer using 1,000 kWh per month would realize a slight decrease in their current rates.

Dan Lawton, with the Lawton Law Firm, recommends the proposed settlement to the Cities for approval as a fair outcome and a reasonable estimate of the rates that may be approved had the case been appealed to the Public Utility Commission of Texas. The Steering Committee of Entergy Service Area Cities have considered the proposed settlement and are also in agreement with the retained consultants that the settlement should be accepted.

FUNDING SOURCE

The reasonable expenses associated with rate cases are reimbursable by the company as provided for in the Public Utility Regulatory Act.

RECOMMENDATION

Approval of the ordinance.

ORDINANCE NO.

AN ORDINANCE BY THE CITY OF BEAUMONT, TEXAS ("CITY") DENYING THE RATE INCREASE REQUEST OF ENTERGY TEXAS, INC. FILED ON SEPTEMBER 25, 2013; SETTING JUST AND REASONABLE RATES FOR ENTERGY TEXAS, INC. FOR SERVICE WITHIN THE MUNICIPAL LIMITS PURSUANT TO A SETTLEMENT WITH ENTERGY TEXAS, INC.; REQUIRING ENTERGY TEXAS, INC. TO FILE UPDATED TARIFFS IN COMPLIANCE WITH THE APPROVED RATES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, on or about September 25, 2013 Entergy Texas, Inc. ("Entergy") filed a Statement of Intent with the City to increase electric base rates in the Entergy Service Area by \$38.6 million per year, to implement new riders charging customers \$14.5 million per year, for a total requested annual increase of \$53.1 million; and,

WHEREAS, the City of Beaumont suspended the effective date of Entergy's rates within its jurisdictional limits until at least January 28, 2014 and hired the Lawton Law Firm, P.C. to review the Company's rate change request and proposed tariffs; and,

WHEREAS, Entergy agreed to extend the January 28, 2014, jurisdictional deadline to March 15, 2014, and further agreed to extend the March 15, 2014 deadline to March 24, 2014 in order to accommodate the passage of Ordinances adopting settlement rates; and,

WHEREAS, Entergy and parties to PUC Docket No. 41791, Entergy's base rate case currently pending before the Public Utility Commission, have reached a settlement in principle of Entergy's base rate increase request resulting in a \$18.5 million increase to Entergy's current adjusted revenues; and,

WHEREAS, under the settlement Residential, Small General Service, and the Lighting Class customers will all receive a base rate decrease. The base rate increase/(decrease) is allocated among the customer classes as follows:

Table 1		
Proposed Settlement Base Rate Increase/(Decrease) by Customer Class		
Customer Class	Entergy Initial Request	Proposed Settlement
Residential	\$2,049,444	(\$2,212,094)
Small General Service	\$169,710	(\$280,630)
General Service	\$23,549,366	\$15,937,075
Large General Service	\$3,753,620	\$1,801,335
Large Industrial	\$9,255,883	\$3,508,964
Lighting Service	(\$175,150)	(\$254,652)
Total Base Rate Increase:	\$38,602,873	\$18,500,000

WHEREAS, the settlement rates and tariffs are a just and reasonable result and are well within the range of reasonable outcomes of Entergy's base rate case had it been appealed to the Public Utility Commission of Texas; and,

WHEREAS, the statutory deadline to act on Entergy's rate increase request is March 24, 2014;

NOW THEREFORE, BE IT ORDAINED BY

THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Section 1. That the statement and findings set out in the preamble to this Ordinance are hereby in all things approved and adopted.

Section 2. The City of Beaumont hereby denies the rate increase requested in Entergy's Statement of Intent.

Section 3. The City finds that an annual base rate increase of \$18.5 million is just and reasonable in accordance with Texas Utility Code § 36.003 and consistent with a reasonable resolution of the issues raised by Cities' expert consultants.

Section 4. The City finds that the annual base rate increase shall be billed to each customer class in accordance with the class allocation of revenues and rate design as agreed by all parties in the settlement of Docket No. 41791 and as shown above. The settled class allocation and rate design are reasonable and consistent with the recommendation of City's experts retained to review Entergy's rate increase request.

Section 5. The City finds that Entergy should be permitted to recover Entergy's rough production cost equalization expenses through surcharge amortized over three years.

Section 6. The City finds that Entergy should be permitted to recover Entergy's reasonable rate case expenses through surcharge amortized over three years.

Section 7. Entergy's proposed special circumstances request to recover historical capacity charges of \$22,942,706 from customers through reconcilable fuel rates should be and is hereby denied consistent with the parties'

settlement in PUC Docket No. 41791. Entergy is also ordered to reduce Entergy's recommended retail fuel reconciliation balance by an additional \$1.25 million consistent with the parties' settlement in PUC Docket No. 41791.

Section 8. Except as modified by City's Ordinance setting rates and the settlement approved in PUC Docket No. 41791, Entergy's statement of intent application on file with the City is approved.

Section 9. Entergy is hereby Ordered to file a proof of revenues and Entergy's proposed tariffs reflecting rates consistent with the City's revenue requirements and adjustments set out above. Such rates and tariffs shall be effective for service rendered on and after April 1, 2014 in accordance with Texas Utility Code § 36.111. In the event that the effective date of rates resulting from the settlement of PUC Docket No. 41791 is delayed beyond the April 1, 2014 effective date, then effective date of Entergy's rates within the City will be suspended and will coincide with the manner of implementation and effective date of rates approved in PUC Docket No. 41791.

Section 10. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 11. This ordinance shall become effective from and after its passage.

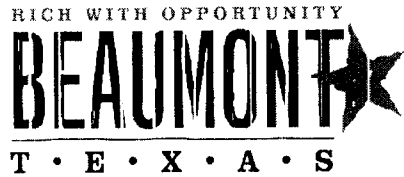
PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th
day of February, 2014.

- Mayor Becky Ames -

ATTEST:

February 25, 2014

Consider a resolution authorizing the City Manager to execute a wastewater service agreement with the City of Bevil Oaks



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Dr. Hani J. Tohme, P.E., City Utilities Director

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider a resolution authorizing the City Manager to execute a wastewater service agreement with the City of Bevil Oaks.

BACKGROUND

The Water Utilities Department provides water and/or wastewater services to 16 industrial customers and 4,800 commercial customers. The Texas Commission on Environmental Quality, Chapter 290, Sub-Chapter D, Rules and Regulations for Public Water Systems, requires municipalities to execute water and/or wastewater service agreements with wholesalers as well as non-transient communities which have a potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis. Once service agreements are executed with such entities, they will be required by state law to monitor and report the water quality inside of their property on a monthly basis. This procedure will prevent any possible contamination of the City of Beaumont water system and protect public health.

Bevil Oaks has requested to dispose of its domestic wastewater in the City of Beaumont's sewage collection system to provide sewage services to its approximately 550 current residential service connections and potential future residents. The wastewater volume proposed to be pumped into the City of Beaumont's sewage collection system is approximately 180,000 gallons per day (65 million gallons per year). The City of Beaumont's Wastewater Treatment Plant processes on average 20 million gallons per day with a maximum treatment capacity of 47 million gallons per day. Bevil Oaks will acquire all necessary easements and install new sanitary sewer lines sufficient to connect Bevil Oaks to the nearest point of Beaumont's existing sewage collection system.

Bevil Oaks will be responsible for paying for "outside the City" wastewater rates as set by the code of ordinances. The proposed agreement is estimated to generate approximately \$400,000 in annual revenue.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of resolution.

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

WHEREAS, THE CITY OF BEVIL OAKS, a municipal corporation of Jefferson County, Texas, hereinafter referred to as "BEVIL OAKS" and THE CITY OF BEAUMONT, a municipal corporation of Jefferson County, Texas, hereinafter referred to as "BEAUMONT"; and

WHEREAS, BEVIL OAKS has previously filed with BEAUMONT a request and has received the consent of BEAUMONT; and

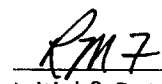
WHEREAS, BEVIL OAKS desires to dispose of its domestic wastewater in the sewage collection system of the BEAUMONT, to provide sewage services to the current and future inhabitants and occupants of BEVIL OAKS; and

WHEREAS, BEAUMONT, acting herein by and through its City Manager, herein duly authorized, is willing to permit such disposal of BEVIL OAKS' wastewater providing BEAUMONT is compensated for such services in accordance with rates as established by the ordinances of the CITY OF BEAUMONT:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENT:

I.

BEVIL OAKS will entirely, at its own expense, construct the necessary piping network and pumping stations to deliver domestic wastewater generated in BEVIL OAKS to the nearest feasible point of BEAUMONT's sewage collection system to the CITY OF BEVIL OAKS. Said nearest feasible point of connection is to be approved by BEAUMONT.


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At the time connection is made to BEAUMONT's sewage collection system, BEVIL OAKS shall verify that each residential and commercial sewage connection is monitored with at least one (1) water meter. Prior to the connection, BEVIL OAKS will confirm the accuracy of at least 5% and no more than 10% of its water meters through testing at a commercially acceptable laboratory or testing facility. If the test results of a majority (greater than 50%) of the meters are less than 90% accurate, then BEAUMONT may request BEVIL OAKS, at no expense to BEAUMONT, to implement a plan to repair, replace or otherwise remediate the meters in BEVIL OAKS. The plan shall generally require repair, replacement or remediation of affected BEVIL OAKS meters and can occur within a one (1) to three (3) years from time of connection.

After connection, BEAUMONT may check for accuracy of said meters. Such testing, if it occurs after the time the connection is made to BEAUMONT's sewage collection system, shall be at the sole expense of BEAUMONT or, if applicable, the residential or commercial user of the meter at issue.

II.

BEAUMONT shall have the right, at its discretion, to require BEVIL OAKS to install and maintain, at a place to be determined by BEAUMONT, equipment and facilities for monitoring sewage quality and for the purpose of determining that no industrial waste, oils, bilges or other similar sewage is delivered to the BEAUMONT sewage collection system unless approved by BEAUMONT.

BEAUMONT may elect to install and maintain, at its own expense, its own meter for purposes of monitoring the amount or quality of the sewage delivered to BEAUMONT's sewage collection system.

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III.

Unless approved and authorized by BEAUMONT, no waste other than domestic sanitary sewage waste will be delivered to the BEAUMONT sewage collection system in accordance with City Code of Ordinance No. 03-018, Sewer Use Ordinance. For purposes of this paragraph, the words "Sanitary Sewage" mean waste generated from commercial, industrial and manufacturing facilities and which exceeds any one of the following:


- (A) Bio-Chemical Oxygen Demand (5-day BOD): 250 milligrams per liter.
- (B) Total suspended solids: 300 milligrams per liter.
- (C) Oils, Greases and Fats: 200 milligrams per liter.
- (D) Acidity and alkalinity as the Hydrogen Ion concentration (pH): Range: above 6.0 and below 11.0 pH units.
- (E) No septic effluents shall be delivered to the BEAUMONT sewage collection system.
- (F) Any industry requiring pretreatment processes must be approved by the City of Beaumont Water Utilities Department prior to connections to the wastewater collection system.

IV.

BEAUMONT and BEVIL OAKS may, with the prior approval of the other, go on the property or premises of the other for any purposes reasonably incidental to or necessitated by the terms and provisions of this contract.

V.

BEVIL OAKS will collect monthly water usage via individual (primary) meters from all residential and commercial users. BEVIL OAKS will collect monthly water usage via individual (secondary) meters for landscaping/sprinkler systems. BEVIL OAKS will submit total primary residential and commercial water consumption to BEAUMONT, but not submit secondary

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landscaping water usage. Consequently, BEVIL OAKS will be responsible for paying for primary meter water usage at applicable "outside the City" wastewater rates as set by the most current BEAUMONT ordinance within 30 days of presentment of invoice by BEAUMONT. BEVIL OAKS will not be responsible for payment of secondary water usage for purposes of calculating sewer use. BEVIL OAKS may collect minimum rates for water and wastewater as set by BEVIL OAKS ordinance and shall not be billed or responsible for payment of BEAUMONT minimum rates. BEVIL OAKS will not be billed on the total amount of wastewater/stormwater that flows through the main line connecting the BEVIL OAKS system to BEAUMONT's sewage system.

VI.

It is agreed that BEVIL OAKS will acquire all necessary easements and install new sanitary sewer lines sufficient to connect BEVIL OAKS to the nearest point of BEAUMONT's existing sewage collection system. BEVIL OAKS further agrees that it will subsequently convey to BEAUMONT all rights, title and interest in and to the easements and installed lines in a manner that is legally acceptable to BEAUMONT for all lines constructed on easements lying outside the boundaries of Bevil Oaks.

As owner of the new sanitary sewer line, it is understood between the parties hereto that the sewage lines lying between the point of connection to BEAUMONT's sewage facilities and the boundaries of BEVIL OAKS may not be tapped without the prior written approval of the City of Beaumont.

VII.

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BEVIL OAKS agrees to construct its new sanitary sewage collection system in accordance with plans and specifications that meet existing state laws and BEAUMONT Water Utilities standards and specifications. BEVIL OAKS also agrees that prior to the commencement of construction of the sewer lines, BEVIL OAKS shall obtain approval from appropriate State and Federal authorities in order to insure that the lines to be constructed shall meet existing design criteria.

VIII.

BEVIL OAKS agrees to pay BEAUMONT for said sewage services according to the rates established by BEAUMONT City Ordinances as may be amended, a copy of said scheduled rates in effect at the time of execution of this agreements as, enacted and adopted by BEAUMONT, are attached hereto and made a part hereof, and entitled Exhibit "A". In the event said rates are periodically amended by City Ordinance, BEVIL OAKS agrees to pay said amended rates. BEVIL OAKS shall not be responsible for and does not agree to pay any minimum rate as set by BEAUMONT City Ordinance, but may collect from its customers such minimum rate as set by BEVIL OAKS ordinance.

IX.

BEVIL OAKS and BEAUMONT agree to adopt a resolution or take some other official action authorizing the acceptance of the terms and conditions of this agreement;

X.

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This agreement shall be for a period of twenty (20) years from the time of written approval given by Beaumont of the connection to Beaumont's sewage collection system, it being understood and agreed by and between the parties that if the construction of said sanitary sewer facilities has not been completed within three (3) years from the date of this agreement, BEAUMONT may, but will not be required to, provide said services.

XI.

BEVIL OAKS from time to time may transfer, convey or assign this agreement with respect to all or any part of the land owned to any degree by BEVIL OAKS, and the assignee or assignees shall be bound by this agreement. Upon prior approval by the City Council of BEAUMONT, of the assignment, transfer or conveyance, and only upon the condition that the assignee or assignees assume all liabilities, responsibilities and obligations of this agreement, BEVIL OAKS shall be released from the liabilities, responsibilities and obligations under this agreement with respect to the land involved in the assignment or assignments, or as may be otherwise approved by the City Council of the City of Beaumont. This includes the sale or transfer of interest in such land to BEAUMONT.

XII.

BEVIL OAKS agrees to deposit with BEAUMONT before service commences the sum of TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS, to be retained by BEAUMONT as payment for any delinquent amounts owed to BEAUMONT for said services furnished at the time of cancellation or expiration of this agreement.

XIII.

In connection with this agreement, official addresses for notification shall be:

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Initial & Date:

(a) City of Beaumont
Office of City Manager
Post Office Box 3827
Beaumont, Texas 77704

(b) City of Bevil Oaks
Office of Mayor
City of Bevil Oaks
7525 Sweetgum
Bevil Oaks, TX 77713
(409)753-1404 (fax)

(c) City of Bevil Oaks
City Attorney
2195 Dowlen Road
Beaumont, Texas, 77706

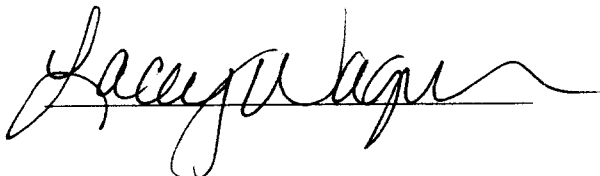
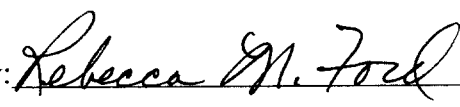
Any changes in said addresses may be made by notifying the other parties by certified mail of the new or changed address.

EXECUTED IN TRIPLICATE ORIGINALS, this _____ day of _____, A.D., 2013, the City of Beaumont acting herein by and through its City Manager, Kyle Hayes and the City of Bevil Oaks, acting herein by and through its Mayor, hereunto duly authorized.

ATTEST: City of Beaumont, Texas

_____ By: _____

ATTEST: City of Bevil Oaks, Texas

 By:  _____

RM7 12/19/2013
Initial & Date:

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

BEFORE ME, the undersigned, a Notary Public in and for said county and state, on this day personally appeared Kyle Hayes, City Manager of the City of Beaumont, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said City of Beaumont, a municipal corporation of Jefferson County, Texas, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

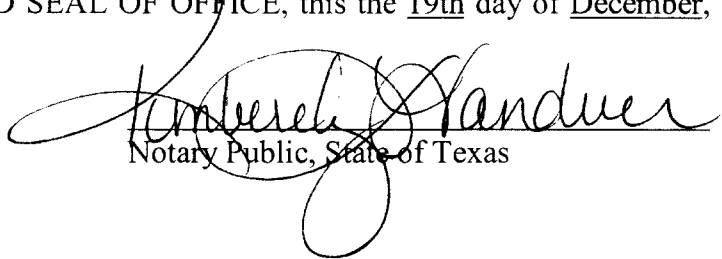
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2013.

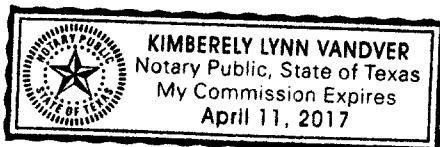
Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF JEFFERSON §

BEFORE ME, the undersigned, a Notary Public in and for said county and state, on this day personally appeared Rebecca M. Ford, Mayor of City of Bevil Oaks, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said City of Bevil Oaks, a municipal corporation of Jefferson County, Texas, and that she executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of December, 2013.


Notary Public, State of Texas



RMF 12/19/2013
Initial & Date:

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL

OF THE CITY OF BEAUMONT:

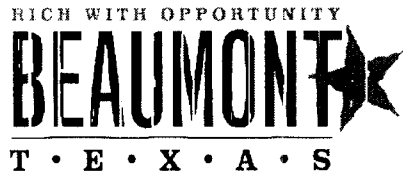
THAT the City Manager be and he is hereby authorized to execute a wastewater service agreement with the City of Bevil Oaks, located outside the City of Beaumont, as required by the Texas Commission on Environmental Quality, Chapter 290, Sub-Chapter D, Rules and Regulations for Public Water Systems.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames. -

February 25, 2014

Consider a resolution approving the naming of the North End Community Center, located at 3580 E. Lucas, in honor of Judge John Paul Davis



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

MEETING DATE: February 25, 2014

REQUESTED ACTION: Council consider a resolution approving the naming of the North End Community Center, located at 3580 E. Lucas, in honor of Judge John Paul Davis.

BACKGROUND

The City Council discussed this item in a work session held on February 18, 2014. There was consensus among the councilmembers present at the meeting to move forward with an agenda item for consideration.

A biography for Judge Davis is attached for your review.

BIOGRAPHY OF JUDGE JOHN PAUL DAVIS

John Paul Davis was born in Bay City, Texas on November 9, 1939, the youngest of four children of Lemon and Opal Davis. He grew up in the heart of South End Community of Bay City and attended Hilliard High School on both the North and South End campuses, graduating in 1958 as an honor student.

He graduated from Prairie View A&M University in 1963, served two years in US Army, worked at Celanese Chemical Company of Bay City and, in 1972, graduated from University of Houston College of Law in Houston, Texas. In 1982, he was appointed by the City Council to be a Municipal Court Magistrate, where he served for a two-year period. He was appointed again to this position in 1987 and served for another two-year period. For the past twenty years, he served as Judge of the Jefferson County Court of Law #3.

Judge Davis served as president emeritus of the Hilliard High School Alumni Association, was inducted in the Hilliard High School Hall of Fame, and was named Distinguished Alumni of Bay City Independent School District.

He was a life member of the NAACP and recipient of the Beaumont NAACP Lifetime Achievement Award. He was also recently named the Martin Luther King Support Group, Inc. Man of the Year for 2014. He was past president and member of Omega Psi Phi Fraternity and was named both the Chapter Omega Man of the Year and Omega Citizen of the Year.

Judge Davis was an active and devoted member of Antioch Baptist Church serving faithfully as deacon and on several committees.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF BEAUMONT:

THAT the City Council hereby approves the re-naming of North End Community Center to Judge John Paul Davis Community Center, located at 3580 E. Lucas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames -

PUBLIC HEARING

- * Dangerous Structures

PUBLIC HEARING: Unsafe Substandard Structures

Consider approval of an ordinance declaring certain structures to be unsafe substandard structures and ordering their removal within 10 days or authorizing the property owner to enroll the unsafe structure in a work program.

1. 5145 Ada (auxiliary building)
2. 2625 Amarillo & storage building
3. 1650 Avenue A & auxiliary buildings
4. 2280 Avenue E & auxiliary building
5. 3255 Blossom
6. 1805 Broadway (garage)
7. 2325 Cartwright
8. 2007 Corley
9. 2210 Delaware
10. 4450 Diamond & storage building
11. 5640 Downs
12. 1192 Elgie
13. 1701 Elgie
14. 684 Euclid & garage
15. 2620 Euclid
16. 2640 Euclid
17. 2695 Euclid
18. 3625 Euclid & storage building
19. 2345 Fillmore (auxiliary buildings)
20. 3730 Fonville (auxiliary buildings)
21. 2600 Girolamo (commercial)
22. 2855 Glenwood & storage building
23. 1447 Grand
24. 7915 Helbig & storage building
25. 3895 Kenneth (commercial)
26. 4800 Kenneth
27. 4175 Lakner (garage apartment)
28. 1620 E. Lavaca
29. 5385 Laverna (auxiliary buildings)
30. 1194 Liberty
31. 1915 Lucille & storage building
32. 3710 W. Lynwood & garage
33. 495 N. Major & auxiliary buildings
34. 840 Oakland
35. 2905-07 Pecos (Duplex)
36. 2475 Pierce & garage
37. 1155 Pope (auxiliary building)
38. 3180 Robinhood
39. 685 Royal (commercial)
40. 2475 Rusk
41. 2615 Santa Fe
42. 430 E. Simmons & storage building
43. 245 N. 6th Street (garage apartment)
44. 3360 St. Helena
45. 2016 Tulane
46. 4045 Usan (travel trailer)
47. 2450 Washington
48. 3490 Washington (commercial)
49. 2035 Wilson
50. 2290 Wilson

February 25, 2014

Consider an ordinance declaring certain structures to be dangerous structures and ordering their removal within 10 days or authorizing the property owner to enroll the dangerous structure in a work program

City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: ^{CSB} Chris Boone, Community Development Director

MEETING DATE: February 25, 2014

REQUESTED ACTION: City Council, after conducting a public hearing, consider an ordinance to declare the following fifty (50) structures to be unsafe structures and order the owners to raze the said structures within ten (10) days. If the property owner fails to comply within ten (10) days, staff is requesting City Council authorization to demolish these structures without further notification to the property owner or City Council action. Additionally, if the property owner of a structure requests and is authorized by City Council to enroll in a work program, all delinquent taxes shall be paid in full or a payment plan shall be established prior to enrollment in the work program. Enrollment in the work program shall occur within ten days after the effective date of this ordinance.

1. 5145 Ada (auxiliary building)	2. 2625 Amarillo & storage building
3. 1650 Avenue A & auxiliary buildings	4. 2280 Avenue E & auxiliary building
5. 3255 Blossom	6. 1805 Broadway (garage)
7. 2325 Cartwright	8. 2007 Corley
9. 2210 Delaware	10. 4450 Diamond & storage building
11. 5640 Downs	12. 1192 Elgie
13. 1701 Elgie	14. 684 Euclid & garage
15. 2620 Euclid	16. 2640 Euclid

17. 2695 Euclid	18. 3625 Euclid & storage building
19. 2345 Fillmore (auxiliary buildings)	20. 3730 Fonville (auxiliary buildings)
21. 2600 Girolamo (commercial)	22. 2855 Glenwood & storage building
23. 1447 Grand	24. 7915 Helbig & storage building
25. 3895 Kenneth (commercial)	26. 4800 Kenneth
27. 4175 Lakner (garage apartment)	28. 1620 E. Lavaca
29. 5385 Laverna (auxiliary buildings)	30. 1194 Liberty
31. 1915 Lucille & storage building	32. 3710 W. Lynwood & garage
33. 495 N. Major & auxiliary buildings	34. 840 Oakland
35. 2905-07 Pecos (Duplex)	36. 2475 Pierce & garage
37. 1155 Pope (auxiliary building)	38. 3180 Robinhood
39. 685 Royal (commercial)	40. 2475 Rusk
41. 2615 Santa Fe	42. 430 E. Simmons & storage building
43. 245 N. 6 th Street (garage apartment)	44. 3360 St. Helena
45. 2016 Tulane	46. 4045 Usan (travel trailer)
47. 2450 Washington	48. 3490 Washington (commercial)
49. 2035 Wilson	50. 2290 Wilson

BACKGROUND

These structures have been inspected by the Building Codes Division and found to be unsafe structures as defined by the City of Beaumont's Code of Ordinances, Chapter 24, Article 24.04 Unsafe Substandard Structures, Division 1, Sec. 14.04.001 of the 2009 International Property Maintenance Code. Additionally, these structures have deteriorated to a condition that they are no longer considered suitable for repair.

FUNDING SOURCE

City may incur the cost of demolition. Sources may include General funds and Community Development Block Grant (CDBG) funding.

RECOMMENDATION

Approval of ordinance.

ORDINANCE NO.

ENTITLED AN ORDINANCE FINDING CERTAIN
STRUCTURES TO BE PUBLIC NUISANCES AND
ORDERING THEIR DEMOLITION AND REMOVAL OR
REPAIR; PROVIDING FOR SEVERABILITY AND
PROVIDING FOR A PENALTY.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

That the City Council of the City of Beaumont hereby finds and declares the
buildings located at:

1. 5145 Ada (auxiliary building)	2. 2625 Amarillo & storage building
3. 1650 Avenue A & auxiliary buildings	4. 2280 Avenue E & auxiliary building
5. 3255 Blossom	6. 1805 Broadway (garage)
7. 2325 Cartwright	8. 2007 Corley
9. 2210 Delaware	10. 4450 Diamond & storage building
11. 5640 Downs	12. 1192 Elgie
13. 1701 Elgie	14. 684 Euclid & garage
15. 2620 Euclid	16. 2640 Euclid
17. 2695 Euclid	18. 3625 Euclid & storage building
19. 2345 Fillmore (auxiliary buildings)	20. 3730 Fonville (auxiliary buildings)
21. 2600 Girolamo (commercial)	22. 2855 Glenwood & storage building
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33. 495 N. Major & auxiliary buildings	34. 840 Oakland

35. 2905-07 Pecos (Duplex)	36. 2475 Pierce & garage
37. 1155 Pope (auxiliary building)	38. 3180 Robinhood
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41. 2615 Santa Fe	42. 430 E. Simmons & storage building
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45. 2016 Tulane	46. 4045 Usan (travel trailer)
47. 2450 Washington	48. 3490 Washington (commercial)
49. 2035 Wilson	50. 2290 Wilson

to be public nuisances in that said buildings violate Chapter 24, Article 24.04, Section 24.04.001 of the Code of Ordinances of the City of Beaumont and are for want of repairs, or by reason of age or dilapidated, decayed, unsafe or unsanitary condition, or otherwise unfit for human habitation, or otherwise likely to endanger the health, safety or general welfare of the citizens of the City.

Section 2.

In accordance with Article XVII, Section 2, of the Charter of the City of Beaumont, Chapter 24, Article 24.04 of the Code of Ordinances of Beaumont, Texas, it is hereby ordered that the owner or owners of the above described buildings demolish and remove said structures within ten (10) days of the effective date of this ordinance.

If the property owner(s) fail(s) to comply within ten (10) days, Council orders that the property be demolished without further notification to the property owners or City Council action.

Section 3.

That if any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances should for any

reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable.

Section 4.

That any person who violates any provision of this ordinance shall, upon conviction, be punished as provided in Section 1.01.009 of the Code of Ordinances of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of February, 2014.

- Mayor Becky Ames